COLLEGE VAN BEROEP
VOOR HET HOGER ONDERWIJS

Appeals to the Higher Education Appeals Tribunal

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For the sake of the readability of this brochure, it has been decided to reduce the term "Appeals Tribunal" to the 'Tribunal'.
No rights can be derived from the contents of this brochure.
The text of this brochure has come about for the greater part on the basis of the many questions asked and the experience of the public information office of the Communications Department of the Tribunal.

This is a publication by the Communications Department of the Higher Education Appeals Tribunal (July 2010)

Public Information Office of the Communications Department of the Higher Education Appeals Tribunal:
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About this brochure

This brochure gives you information about appeals to the Tribunal against decisions by boards of administration of financed universities and technical universities and about appeals to the Tribunal against decisions by Examinations Appeals Boards of these universities and technical universities.

This brochure is of importance to you if you are affected personally by one of the above-mentioned decisions with which you disagree.
This brochure is also of importance to you if you disagree with the decision by an Examinations Appeals Board in a matter in which you are involved. You may lodge an appeal with the Tribunal against these decisions as well. You then lodge an appeal against this decision.

This brochure allows you to determine whether you can lodge an appeal with the Tribunal against a decision by a board of administration or by an Examinations Appeals Board. You can also read how to lodge an appeal with the Tribunal. Finally this brochure provides information about the process after you have lodged your appeal with the Tribunal. If, after having read this brochure, you still want to know more about the Tribunal, its working method and the subject matters about which you may address the Tribunal, please visit the site: www.cbho.nl. This site provides general information about the Tribunal under Procedural Rules. These documents play an important role in the handling of an appeal by the Tribunal.

In the remainder of this brochure the term ‘EAB’ is used for ‘Examinations Appeals Board’ for easier reading.

Tip:

This brochure provides an explanation of difficult words which you may encounter in the proceedings of the Tribunal. This so-called glossary can be found at the back of this brochure. The texts of a number of articles of law with which you may be confronted during the proceedings can also be found there.

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I. The start of the proceedings

How do you know if you can lodge an appeal with the Tribunal?
It is mentioned at the bottom of the decision by an administrative body or at the bottom of a judgement by the EAB if and where you can lodge an appeal.

How to lodge an appeal?
If you wish to lodge an appeal, you must submit a notice of appeal. The notice of appeal is a letter in which you state that you are lodging an appeal and why you disagree with the decision of the administrative body or with the judgement of the EAB.

At least the following data must be stated in your notice of appeal:
. Your name and address;
. The date on which you are writing the notice of appeal (date);
. The description of the decision with which you disagree. You must send a copy of this decision or of the judgement of the EAB with your notice of appeal;
. The reasons (the grounds) why you lodge an appeal;
. Your signature. You must sign the notice of appeal.

You must then send the notice of appeal to:

College van Beroep voor het hoger onderwijs (Higher Education Appeals Tribunal)
P.O. Box 16137
2500 BC The Hague

Within which period can you lodge an appeal?
The lodging of a notice of appeal must take place within a certain period. You must send the notice of appeal with six weeks after the decision or the judgement was sent to you. A date of sending is often mentioned on the decision and the judgement, so you can calculate the period yourself. This period is very important. If your notice of appeal has not been submitted to the Tribunal within six weeks, then you forfeit your right to lodge an appeal, apart from very exceptional cases. In that event your case is not judged on the merits. The Tribunal then declares your appeal to be inadmissible. So you must carefully pay attention to this period.

Need more time than six weeks?
It may happen that the period of six weeks is too short for you to write a sufficiently substantiated notice of appeal.
For example because you want to obtain advice from other persons for your story. In order not to forfeit your right to appeal, you must submit a notice of appeal to the Tribunal within six weeks, in which you briefly state that and against which you are lodging an appeal. Such a notice of appeal is called a 'pro forma' notice of appeal. You must also state in this 'pro forma' notice of appeal that you will present the motivation of your notice of appeal in a subsequent letter. The Tribunal will then inform you within which period you must do this.

Registry fee for lodging an appeal
The registry fee is a legal contribution to the costs of the jurisdiction. If you lodge an appeal, you must pay a fixed amount.
The amount of the registry fee is adjusted periodically.

Lawyer not required

You are not obliged to use a lawyer or a legal adviser during proceedings before the Tribunal. Of course, you are allowed to if you so want. You may also authorise a person to write the notice of appeal on your behalf or to speak on your behalf at the hearing. This authorisation consists of a letter in which you state who will act on your behalf in the proceedings concerned. If a lawyer acts on your behalf, you do not have to send in a written authorisation.

Acknowledgement of receipt
You will receive an acknowledgement of receipt within one week after the Tribunal has received your notice of appeal. This letter also states the case number which has been given to your case. If you contact the Tribunal by telephone or in writing it is convenient to have the case number available or to mention it. The acknowledgement of receipt also states under the heading 'Civil servant handling the case' the name and the telephone number of the employee of the Tribunal who handles your case administratively throughout the proceedings. So if you have any questions concerning the status of the proceedings, the best thing to do is contact this civil servant. The telephone number of this civil servant is mentioned with his or her name on the acknowledgement of receipt.
The acknowledgement also states how you can pay the registry fee. If, in addition, you have not fulfilled all conditions of a notice of appeal (see the heading 'How to lodge an appeal?' on page 5), the Tribunal will point out to you in the same letter that you are given a certain period within which you can still fulfil these conditions. It is mentioned explicitly in this letter how long this period is. This period is four weeks in most cases, but it can also be shorter or longer. So you should read the acknowledgement of receipt carefully.

The payment of the registry fee must also have been made to the Tribunal within this period.

This period is very important. If you do not fulfil the conditions imposed within this period, then you forfeit your right to appeal.

II. Building the file

The preliminary examination
After having received your complete notice of appeal and the payment of the registry fee, the Tribunal will send a copy of your notice of appeal to the administrative body which has taken the decision which you dispute. If you have lodged an appeal against a judgement by the EAB, then the Tribunal will ask the EAB for the complete file.

The administrative body or the EAB is given an opportunity to react to your notice of appeal. This is done in a statement of defence.
As soon as the Tribunal has received the statement of defence, a copy of it will be sent to you.
In this phase the Tribunal may ask you for a written reaction to this statement of this defence if it considers this to be necessary. This, however, is not always the case.

The parties may submit documents, if they find this necessary, until ten days before the hearing. This means that the documents must be in possession of the Tribunal not later than on the eleventh day before the hearing. The Tribunal will see to it that copies of these documents are sent to the other party or parties.

At the early stage of the proceedings, therefore during the preliminary examination, you will regularly receive letters from the Tribunal. These letters mainly state what you must do and within which period. Once this preliminary examination has been completed, you may not receive any letters for some time. Your proceedings are not at a standstill then, but the legal preparation and the preparation of the case on the merits are taking place internally then. This period is also used to see if and when your case can be put on the hearing agenda of the Tribunal. You can also monitor the progress of your proceedings on our website (www.cbho.nl).

Out of court
In most cases the parties receive after some time an invitation to explain their viewpoints at a hearing. But the Tribunal may also settle the case on the basis of the written documents submitted.
Then a judgement is given without a hearing; in other words: the case is settled 'out of court'.
Incidentally, this happens only when it is obvious what the judgement must be and the oral explanation by the parties can not change any of this.
For example: an appeal is 'apparently inadmissible' if it has been lodged too late or if the registry fee has not been paid in time. Or an appeal is 'apparently unfounded' if someone complaints about a decision which could not have been different under the law.

Objection
If your case has been settled out of court without your permission and you disagree with the judgement of the Tribunal, then you may lodge an 'objection'. You must then submit a so-called notice of objection to the Tribunal. What you must mention at least in the notice of objection is stated at the bottom of the judgement which you dispute. You have a period of six weeks in which to lodge a notice of objection.
If the Tribunal judges that you have rightly lodged an objection, that does not mean yet that you have 'won'. It only means that in your case a judgement on the merits will be given only after a hearing has been held after all.

III. The hearing at the Tribunal

Invitation to appear at the hearing
A hearing is held in most proceedings.
The parties may explain their viewpoints orally during a hearing. The members of the Tribunal may also ask questions to the parties then if anything is not quite clear to them yet. A hearing is public and is therefore accessible to anyone. Journalists who want to report on your case in the media may also attend the hearing.

You will receive an invitation at least three weeks before the date of the hearing. You are allowed to submit (new) documents until ten days before the date of the hearing. This means that the documents must be in possession of the Tribunal not later than on the eleventh day before the hearing. The Tribunal is strict as far as respecting this period is concerned.
Documents which are received after the deadline, are usually returned and therefore left out of consideration. During the hearing itself new documents can be submitted only if the other parties have no objections to that.

Legal costs form
Enclosed with the invitation you will find a form for compensation, if applicable, for your legal costs. Certain costs which you have had to incur, may be compensated if your

appeal is successful and is declared to be founded. The best way to go about this is to complete the form at home and submit it on the day of the hearing.

The day of the hearing
All hearings take place in the building of the Raad van State (Council of State) Kneuterdijk 22 in The Hague. The hearing of a case takes twenty minutes on average. Complicated cases may take longer. As an average period of time is reserved for each case, it may happen, unfortunately, that a hearing begins later than scheduled.
The invitation states at what time your hearing will begin. Make sure that you are on time: approximately 15 minutes before the start of the hearing.
When you enter the building of the Council of State, you will see a reception area in the central hall. After you have stated for which hearing you have come, the receptionists will refer you to the registration desk and to the waiting area of the hearing rooms.

Registration before the hearing
Before the hearing begins, the parties are registered at the registration desk. This means that an usher will record whether you are present and whether you will speak for yourself or somebody else (for example a lawyer) will speak on your behalf. This is also where you may submit your legal costs form. Moreover, you will be asked if you have prepared a written pleading. In other words: whether you have written down what you are going to say during the hearing. Copies of your written pleading, if any, must also be handed over to the usher.

The hearing
At the moment when the hearing can begin, the parties are invited by the usher to enter the hearing room.
The members are already present in the room then. The President sits in the middle, two other members sit on either side of the President. It is possible that your case is not heard by three members (three-judge division), but by one member (single-judge division). This can be the case, for example, when the matter is not very complicated (legally).
One or two lawyers of the Tribunal sit in the room as well. They support the members in their work as judges.
They take notes of what is said at the hearing.
When the parties have entered the hearing room, the President tells them where to sit. The Parties take their places at the table near the platform. The person who has lodged the appeal (the appellant) sits on the right-hand side of the table, the opposing party (the defendant) sits on the left-hand side. A third party, if any, who has an interest in the proceedings, sits in the middle.
The appellant is given the floor first to explain the appeal. If the appellant has authorised somebody to speak on his behalf, then this authorised person is allowed to speak.
Parties often speak on the basis of a written pleading. After the appellant, the defendant is given an opportunity to react. Finally, a third interested party, if any, is offered an opportunity to speak. After all parties have explained their viewpoints orally, the members may ask questions of the parties. In the case of a three-judge division, this will be done mainly by one of the two judges sitting on either side of the President. This member is also called the member-reporter. When he or she has finished asking questions, the other member and, finally, the President, may ask questions to the Parties as well.

After this round of questions, the President once more gives all parties an opportunity to make a final remark. The intention of this is not to repeat what you have already said. The hearing is closed after this final round. The President announces that the Tribunal will try to give its judgement in writing within six weeks.
When the hearing is over, everybody (the parties, the public and the journalists) leave the hearing room. The members and the lawyers remain behind in the room to discuss your case in a closed session.

Useful things to know and remember

- The purpose of a hearing is to give you an opportunity to explain your notice of appeal (or notice of objection) orally and to give the members an opportunity to ask questions of the parties.
- The members and the lawyer(s) have prepared your case thoroughly and are familiar with all documents of the file. So it is not necessary for you to repeat facts and arguments which are already mentioned in the written documents. These are known.
- In reality a pleading of ten minutes per party turns out to be more than sufficient to explain things.
- So a written pleading does not have to be longer than 3 or 4 sheets of A4 paper.
- You should take a sufficient number of copies of your written pleading to the hearing. As a rule, eight to ten copies will be sufficient (three for the members, two for the lawyers, one for your opposing party and one or more for other parties involved).
- Written pleadings are exchanged before the hearing; if the other parties have prepared written pleadings as well, these will be presented to you before the hearing.
- If you come to the hearing accompanied by a lawyer or an agent, the intention is that this lawyer or agent speaks on your behalf. Should your lawyer or agent be unable to answer certain (factual) questions, then the member or the President may address himself to you personally.

The general course of affairs during a hearing has been described roughly in the above. The President presides over the hearing and may therefore rule that this general course of affairs is to be deviated from under the given circumstances. Obviously, he or she is bound then by the obligations laid down in the law.

After having heard the case at the hearing, the Tribunal delivers its judgement. This judgement is laid down in writing. The Tribunal tries to do this within four weeks but at any rate within six weeks after the hearing.
If, for one reason or another, more time is needed to arrive at a judgement, then you will be notified after this period has expired that it has been extended by another six weeks.

Public access to the judgement
Judgements (in principal cases) are pronounced at the beginning of the next hearing and can be read on the website of the Tribunal the next day as of 14.00 hours.

You may attend this hearing, but this is not necessary. On the site of the Tribunal (www.cbho.nl) you can monitor on which hearing day the publication of the judgement in your case can be expected.
The written judgement is mailed to the parties as soon as possible, almost always on the day of the publication already. This judgement is mailed to you free of charge. So you have

the judgement in your letterbox the next day. At the same time it can be found on the site of the Tribunal.
The text of the judgement can already be read on the site the day after the judgement in your case has been rendered. The judgements on the Internet have been made anonymous for reasons of privacy.
This means that the names of persons, addresses and cities or towns have been deleted. The site of the Tribunal explains exactly how you can read the texts of the judgements on the Internet.

The contents of the judgement
The decision in your case may read that:

- the Tribunal has no jurisdiction: this is the case, for example, if you should have lodged your appeal not with the Tribunal, but with another judge, of if the decision with which you disagree is a decision against which no appeal can be lodged.
- the appeal is inadmissible: the Tribunal can not give a judgement on the merits, because certain conditions have not been fulfilled. For example because the notice of appeal was lodged too late, the registry fee has not been paid or was paid too late, or because you are not an interested party in the case.
- the appeal is unfounded: the Tribunal judges that the decision or the judgement which you dispute is not in conflict with the law and can therefore be upheld.
- the appeal is founded: the Tribunal judges that the decision or the judgement which you dispute is entirely or partly unlawful and must be annulled.

The administrative body will often have to take a new decision then.

If your appeal is declared to be founded, the Tribunal will rule in almost all cases that the registry fee which you have paid will be refunded to you.
If you have incurred legal costs and have submitted the legal costs form intended for the purpose (see the section 'Legal costs form on page xx), then the administrative body can be ordered to compensate you for these costs as well.
The amount of this compensation is mentioned in the judgement. In the reverse situation you do not have to fear, in principle, that you must pay the legal costs of the administrative body.
This could happen only if you abuse your right to proceedings (for example if you lodge an appeal of which you know in advance that it does not stand a chance of success and you understand that this makes no sense).

No further appeal possible after the judgement

The Tribunal is the highest administrative judge in the Netherlands in the field of higher education. Its judgements are irrevocable and no appeals can be lodged against them any more.
However, the General Administrative Law Act does offer the special possibility to lodge a request for revision of the judgement. This is a very special possibility for the event that new facts and circumstances become known in your case at a later time, after the judgement, which occurred before the judgement, but which were not and could not be known earlier. This seldom happens.

This possibility is included in article 8:88 of the General Administrative Law Act. The text of this provision can be found at the back of this brochure.

The Tribunal applies the standard that matters must be dealt with within a certain period of time. This period begins with the receipt of your notice of appeal and ends with the publication of the judgement. The standard used by the Tribunal is that cases must be dealt with within a period of 16 weeks at the most.

V. Request for provisional ruling

A temporary arrangement in an urgent case
If you lodge an appeal with the Tribunal, it will take some time before a judgement is given in your case. During this period the decision of the administrative body or the judgement of the EAB will apply. Lodging an appeal does not suspend the effect of the decision or the judgement. However, in the meantime, the decision or the judgement may have irreparable consequences for you. You may therefore ask the President of the Tribunal to issue a provisional ruling. This can be done simultaneously with the lodging of the notice of appeal, but also at a later stage in the proceedings. For example, the Tribunal may issue a special, temporary ruling for the period during which your notice of appeal is still being handled. A condition for the granting of such a request is that 'speed is of the essence'. This means that the situation does not for allow waiting for the final judgement on the appeal.

How to lodge a request for a provisional ruling?
If you want the President to issue a provisional ruling, you must file a petition to that end. This is a letter in which you ask the President to examine whether a special, temporary ruling can be issued for the period during which your notice of appeal is still being handled. You must also state why you feel that your request meets the condition that 'speed is of the essence'.

Furthermore the following data must be stated in the petition:
- Your name and address;
- The date on which you write the petition of appeal (date);
- The notice of appeal to which the request for a provisional ruling belongs;
- Your signature. You must sign the petition.

You must then send the petition to:
College van Beroep voor het hoger onderwijs (Higher Education Appeals Tribunal)
P.O. Box 16137
2500 BC The Hague

You may lodge an appeal and a petition for a provisional ruling in one and the same letter. Please state clearly that you are doing both. However, there will still be separate proceedings, so you have to pay the registry fee twice. You can not file a petition for a provisional ruling only; an appeal must always have been lodged or be lodged as well.

Unlike the appeal procedure, the parties can submit documents at a late stage in a provisional ruling procedure. These documents must have been received by the Tribunal not later than two days before the hearing.

Hearing and judgement
A request for a provisional ruling can be compared with interlocutory proceedings. As 'speed must be of the essence', such requests are dealt with at short notice. An exact period can not be specified. This differs per case and depends on the degree of urgency. If a request for a provisional ruling is dealt with at a hearing, you may usually expect a judgement within

one week after this hearing or a judgement may be given orally immediately after the hearing.
The hearing itself proceeds roughly in the same way as described above in the chapter *'The hearing at the Tribunal'*.
There is a difference, however, in that a request for a provisional hearing is always dealt with by one single member of the Tribunal.

Simultaneous handling of appeal and request for provisional ruling
The President has the competence to decide simultaneously and in one single judgement on the appeal and on the request for a provisional ruling. This competence is also referred to as *'short-circuiting'*. The President only does this if it immediately becomes clear during the handling of the request for a provisional ruling what the judgement in the principal case will be. The parties then do not have to wait for the judgement in the principal case longer than is strictly necessary. The invitation which you receive for the hearing explicitly states that the President has the possibility to "short-circuit".

Public access to the judgement
Judgements in provisional rulings and judgements in which the appeal and the request for a provisional ruling have been dealt with simultaneously, can be published each working day.
On the site of the Tribunal (www.cbho.nl) it is announced each working day at 10.00 hours which judgements will be published that day. The complete texts of these judgements are published on the site at 14.00 hours.

These judgements too have been made anonymous to protect the privacy of the parties. The written judgement is mailed to the parties as soon as possible. This judgement is mailed to you free of charge.

Useful things to know and remember about a request for a provisional ruling
If you lodge a request for a provisional ruling in addition to your notice of appeal, you must pay the registry fee twice.
A judgement in a provisional ruling is a provisional (temporary) judgement. It usually remains effective until a final judgement is given on your notice of appeal.

VI. More information

More information about (the procedures of) the College
If, after having read this brochure, you still need more information about the Tribunal or about lodging an appeal with the Tribunal, you can proceed as follows:

- Go to www.cbho.nl.
- Or make a call during office hours (09.30 - 16.00 hours) to the public information office of the Communications Department,
  telephone number: 070- 426 4800 or 06- 31749275

Articles from the law

Here you will find the (partial) text of a number of articles from the General Administrative Law Act which occur frequently and which are applicable by analogy in the legal proceedings before the Tribunal.
Two articles from the Higher Education and Research Act have been printed as well.

There where the text says 'Court' 'Higher Education Appeals Tribunal' must be read.

The complete text of both acts can be found on the site www.overheid.nl.

Articles from the General Administrative Law Act

Article 6:5
1. The notice of objection or appeal must be signed and contain at least:
a. the name and address of the person who lodges it;
b. the date;
c. a description of the decision against which the objection or appeal is directed;
d. the grounds for the appeal or objection.
2. The notice of appeal must be accompanied, if possible, by a copy of the decision to which the dispute relates.
3.

Article 6:6
The objection or the appeal can be declared to be inadmissible if:
a. article 6:5 or any other requirement imposed by the law for handling the objection or appeal is not complied with, or
b. the notice of objection or appeal has been refused entirely or partly on the ground of article 2:15, provided that the person who has lodges the notice of objection of appeal has been given an opportunity to correct the omission within a period to be offered to him for that purpose.

Article 8:26
1. Until the closing of the examination at the hearing the Court may ex officio, at the request of one party or of interested parties, offer them an opportunity to participate at the proceedings as a party.

Article 8:41
1. The registrar levies a registry fee from the person who lodges the notice of appeal. If it is a registry fee regarding two or more related decisions or two or more lodging persons regarding the same decision, the registry fee shall be owed once. In those cases the registry fee shall not exceed the amount which is owed by one of the lodging persons by virtue of the third section with regard to one of the decisions, respectively the amount owed by one of the lodging persons.
2. The registrar shall point out to the person lodging the notice of appeal the fact that the registry fee is owed and shall inform this person that the amount owed must have been credited to the account of the court or must have been paid in cash in the registry within four weeks after the day of forwarding of his communication. If the account has not been

credited for this amount or if this amount has not been paid in cash, the appeal shall be declared to be inadmissible unless it can not be judged in reasonableness that the lodging person has been in default.
3. (...)

Article 8:54
1. Until all parties have been invited to appear at a hearing of the court, the court may close the examination if continuation of the examination is not necessary, because:
a. the court apparently has no jurisdiction,
b. the appeal apparently is inadmissible,
c. the appeal apparently is unfounded, or
d. the appeal apparently is founded.
2. (...)

Article 8:55
1.An interested party and the administrative body may lodge a notice of objection with the court against the judgement as referred to in article 8:54, second section. The person lodging the notice of objection may ask then to be offered an opportunity to be heard about the objection. Articles 6:4, third section, 6:5 through 6:9, 6:11,6:14, 6:15, 6:17 and 6:21 are applicable by analogy.
2. (...)
3. Before giving a judgement on the objection, the court offers the person lodging the notice of objection an opportunity to be heard at a hearing if this person has asked to be offered this opportunity, unless the court is of the opinion that the objection is founded. If the person lodging the notice of objection has not asked to be given this opportunity, the court may offer him an opportunity to be heard at a hearing.
4. (...)
5. The judgement is aimed at:
a. declaring that the objection is inadmissible,
b. declaring that the objection is unfounded, or
c. declaring that the objection is founded.
6. If the court declares the objection to be inadmissible or unfounded, the judgement against which the objection was lodged is upheld.
7. If the court declares the objection to be founded, the judgement against which the objection was lodged is annulled and the examination is continued in the state in which it was.

Article 8:75
1. The court shall be exclusively competent to order a party to pay the costs which another party has had to incur in reasonableness in connection with the hearing of the appeal by the court, and of the objection or of the administrative appeal. Articles 7:15, second through fourth sections, and 7:28, second section, first sentence, third and fourth sections, are applicable. A natural person can only be ordered to pay the costs in the event of an apparent unreasonable use of the right to proceedings. Further rules are imposed by order in council about the costs to which an order to pay the costs as referred to in the first sentence can relate exclusively and about the way in which the amount of the costs is determined in the judgement.
2. (...)
3. (...)

Article 8:75a
1. In the event of withdrawal of the appeal because the administrative body has entirely or partly accommodated the person lodging the appeal, the administrative body may, upon a request by the person lodging the appeal, be ordered to pay the costs by means of a separate order in application of article

8:75. The request must be lodged together with the withdrawal of the appeal. If this requirement is not fulfilled, the request will be declared to be inadmissible.
2. (...)

Article 8:81
1. If an appeal against a decision has been lodged with the court or if, prior to a possible appeal to the court, an objection or an administrative appeal has been lodged, the judge in interlocutory proceedings with the court which has or may have jurisdiction in the principal case, may on request issue a provisional ruling if speed is of the essence, considering the interests involved.
2. If an appeal has been lodged with the court, a request for a provisional ruling can be lodged by a party in the principal case.
3. If an objection or an administrative appeal has been lodged prior to a possible appeal with the court, a request for a provisional ruling may be lodged by the person filing the notice of objection, respectively by the person filing the notice of appeal or by the interested party who has no right to lodge an administrative appeal.
4. Articles 6:4, third section, 6:5 through 6:6, 6:14, 6:15, 6:17 and 6:21 are applicable by analogy. The person filing the petition who has lodged an objection or an appeal, shall submit with this petition a copy of the notice of objection or the notice of appeal.
5. If a request for a provisional ruling has been lodged after an objection or an administrative appeal has been lodged and a decision on this objection or appeal is given before the hearing has taken place, then the person lodging the request is offered an opportunity to lodge an appeal with the court. The request for a provisional ruling is put on a par with a request which is lodged pending the appeal to the court.

Article 8:86
1. If the request is lodged if an appeal to the court has been lodged and the judge in interlocutory proceedings is of the opinion that after the hearing as referred to in article 8:83, first section, a further examination can not in reasonableness contribute to the assessment of the case, he may give a judgement immediately in the principal case.
2. This competence of the judge in interlocutory proceedings is pointed out to the parties in the invitation as referred to in article 8:83, first section.

Article 8:88
1. The court may, upon a request from a party, revise a judgement which has become irrevocable, on the ground of facts and circumstances which:
a. took place before the judgement,
b. were not and could not reasonably be known to the person lodging the request before the judgement, and
c. if they had been known to the court earlier, might have resulted in a different judgement.
2. (...

Articles from the Higher Education and Research Act

Article 7.64. Higher Education Appeals Tribunal
1. There is a Higher Education Appeals Tribunal, which is located in The Hague.
2. The Appeals Tribunal has three members at the least and seven members at the most, including the President. The Tribunal has an equally large number of substitute judges.
3. The Appeals Tribunal is assisted by a secretary. Our Minister may assign civil servants to the secretary.
4. The civil servants who are employed for the benefit of the Appeals Tribunal are under the authority of that Tribunal and

shall report exclusively to that Tribunal about the work carried out by them.
5. The Appeals Tribunal holds its hearings in divisions. The Appeals Tribunal shall designate the President of a division from its members.
6. For its activities the Appeals Tribunal shall establish rules of procedure in which shall be laid down at any rate:
a. the division into divisions,
b. the division of the work among the various divisions, and
c. the way in which the President of the Appeals Tribunal and of a division are replaced.

Article 7.66. Jurisdiction and procedure of the Higher Education Appeals Tribunal

1. The Higher Education Appeals Tribunal assesses the appeal which a person involved has lodged against a decision by a body of an institute of higher education which has been taken towards him under this Act and under the regulations based on this Act. No further appeal is possible against judgements by the Higher Education Appeals Tribunal.
2. Chapter 8 of the General Administrative Law Act is applicable by analogy, with the exception of articles 8:1, first and second sections, and 8:13.
3. The bodies of the institution shall provide the Appeals Tribunal with the data which this Tribunal deems to be necessary for the discharge of its task.