

## **Summary of LOWI decision 2018-17**

Keywords: exceeding of deadline, admissibility of Petition to LOWI

Relevant provisions: article 7 of the LOWI Regulations 2018

Board involved: Executive Board, Maastricht University

### *Petition*

On 17 August 2018, the LOWI receives a Petition from the Petitioner to advise the Board on the provisional ruling of the Board of 3 July 2018. The period for submitting a Petition is six weeks and commences on the date of the (provisional) ruling by the Board (Article 7.3 of the LOWI Regulations 2018). The LOWI states that the Petition should have been received at the latest by 13 August 2018.

### *Explanation about exceeding of deadline*

Pursuant to Article 7.4 of the LOWI Regulations 2018, a Petition that is submitted after the end of the period of six weeks will be declared inadmissible unless it cannot reasonably be found that the Petitioner was in default. The LOWI notified the Petitioner of the deadline having been exceeded and requested him to explain in writing whether and why, in his opinion, that could be considered excusable. The Petitioner has explained that he was under the impression that the deadline for submission was on 16 August 2018. It has not been possible to deliver the documents to the LOWI in person on 15 August 2018. Due to the period of submitting being in the middle of the vacation period, it has been hard to write a letter in collaboration with his confidant. In this letter, an overview of the history and complex matters would be given in a correct and understandable manner. The duration of the procedure with the RIC has been over a year, which makes it unjustifiable that submission of the petition a few days late results in inadmissibility.

### *Assessment of admissibility of Petition*

According to the LOWI there are no grounds to judge that the Petitioner can be excused of his default.

- In the provisional ruling of the Board, the remedy referral is clear and correct.
- The Petitioner had been unable to deliver the Petition to the LOWI on 15 August 2018, however, the deadline had already been exceeded at that time. The fact that the period of submission ended during the vacation period, causing difficulties to write a letter with his confidant, is not an excuse for exceeding the deadline. The Petitioner could sooner have taken adequate measures to look after his interests.
- The duration of the RIC procedure does not impede timely submission of the Petition and does not result in an excusable exceeding of the deadline.
- The Petitioner's appeal with regard to the importance of the procedure and his effort to raise the problem of integrity, which is the societal relevance of his Petition, during the RIC procedure do not result in an excusable exceeding of the deadline either. This

defense is considered an expression of indignation rather than an explanation for the fact that the deadline for submission has been exceeded.

LOWI ruling:

The Petition was not submitted within the set period and it has not become apparent that it cannot reasonably be found that the Petitioner was in default. The Petition does not meet the admissibility requirements set out in Article 7 of the LOWI Regulations 2018. Pursuant to Article 7.1 of the LOWI Regulations 2018, the LOWI will not consider the Petition. This means that no opinion on the ruling will be issued to the Board.