

# ArtEZ University of the Arts

## | Governance and Management Regulations

### PREAMBLE

ArtEZ strives for excellent education and high-quality research. Our strategic plan, the institutional strategic plan entitled *Here as the centre of the world (2016-2021)*, lays down and elaborates on this ambition. We place the emphasis on quality and focus on the student. We seek to keep the responsibilities for education and research at as low an organisational level as possible, while respecting the overarching interests of all courses and departments. The communities within ArtEZ are jointly responsible for achieving our ambition, with the Executive Board bearing final responsibility. We enter into dialogue about the quality we aim for and its significance for the tasks, responsibilities and content of the various jobs within the organisation. In this process we will change the organisation step by step, with respect for each other, in order to create a governance structure that offers courses, supporting departments and management committees room to develop policy. This is the basis of ArtEZ's governance philosophy.

The Governance and Management Regulations ensure that we can work in compliance with the statutory regulations and with the basic premises of our institutional strategic plan towards an organisation that continues to develop. Over the next two years, the Executive Board will therefore discuss the governance philosophy and governance structure with the directors, the Participation Council and the Board of Governors every six months. Based on this, the Governance and Management Regulations can be adjusted annually. We ensure that governance, supervision and organisation remain clearly organised subject to the statutory requirements, ArtEZ's articles and the Universities of Applied Sciences Good Governance Sector Code.

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## GENERAL

### Article 1 General

1. These regulations are the Governance and Management Regulations referred to in Article 10.3b of the Higher Education and Research Act (hereinafter referred to as the 'the Act').
2. The ArtEZ Foundation (hereinafter referred to as the Foundation) carries the name *ArtEZ hogeschool voor de kunsten* in Dutch <sup>1</sup> (hereinafter referred to as ArtEZ).
3. In these regulations, 'course' means a course registered in the Central Register of Higher Education Study Programmes, distinguished according to location (Arnhem, Enschede or Zwolle) and form (part-time or full-time).
4. In these regulations, 'degree programme' means a degree programme within a course.

## GOVERNANCE AND ORGANISATION

### Article 2 Board of Governors

1. The Board of Governors is the supervisory board of ArtEZ under the law and the foundation's articles.
2. The Board of Governors is charged with supervising the performance of duties and the exercise of powers by the Executive Board, as well as advising the Executive Board. The Board of Governors exercises the duties and powers assigned to the Board of Governors by law and the foundation's articles.

### Article 3 Executive Board

1. The Executive Board is the institutional board of ArtEZ under the law.
2. The Executive Board is the foundation's board under the foundation's articles.
3. The Executive Board is a collegiate board that bears ultimate responsibility for ArtEZ's policy.
4. The Executive Board exercises the duties and powers assigned to the Executive Board by the laws and regulations as well as the foundation's articles and is therefore responsible for compliance with the applicable laws and regulations and for managing the risks associated with the performance of the primary tasks of the university, namely education, research and knowledge valorisation, as well as other institutional duties. The tasks and powers include but are not limited to:
  - a. adopting the institutional strategic plan;
  - b. adopting policy on education, research, students, staff and finance;
  - c. adopting the multi-year budget, the budget, the annual accounts and the annual report;
  - d. adopting the Governance and Management Regulations, the participation regulations and other regulations;
  - e. determining the tasks and powers of the directors, heads and professors;
  - f. assessing directors, including conducting performance and appraisal interviews;
  - g. adopting a system of quality assurance;
  - h. adopting the Course & Examination Regulation;
  - i. adopting the housing plan;
  - j. appointing and dismissing staff as well as taking legal status measures;
  - k. adopting terms of employment and working conditions policy;
  - l. maintaining external relations and consulting with internal and external bodies.
5. The chair of the Executive Board is responsible for preparing and chairing the meetings of the Executive Board.
6. The Executive Board consults regularly with management committees on matters that are important for more than one organisational unit or for ArtEZ as a whole.

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<sup>1</sup> In English: ArtEZ University of the Arts.

7. The Executive Board is supported by an Executive Office that falls directly under the Executive Board. The organisation, tasks and powers of the Executive Office are determined by the Executive Board.
8. The Executive Board may set up committees to advise the Executive Board in the performance of its tasks.
9. The meetings and minutes of the Executive Board are not public. Decisions of the Executive Board are published.

#### **Article 4 Organisational units**

1. The Executive Board sets up organisational units in which associate degree, bachelor and master courses are provided, research is conducted and/or supporting tasks are carried out<sup>2</sup>.
2. The following organisational units exist:
  - a. ArtEZ Academy of Art and Design Arnhem,
  - b. ArtEZ AKI Academy of Art & Design,
  - c. ArtEZ Academy of Art and Design Zwolle,
  - d. ArtEZ Academy of Theatre & Dance,
  - e. ArtEZ Academy of Music,
  - f. ArtEZ Master Courses,
  - g. ArtEZ Research & Valorisation,
  - h. ArtEZ University Services Centre.
3. The organisational units referred to in Article 4(2)a-e are referred to as academies. The academies are jointly referred to as the Undergraduate School.
4. The associate degree and bachelor courses are part of an academy.
5. The organisational units ArtEZ Master Courses and ArtEZ Research & Valorisation are jointly referred to as the Graduate School.
6. The Architecture master course is also referred to as the Academy of Architecture.

#### **Article 5 Governance of the organisational units**

1. An organisational unit is managed by a management committee, to be appointed by the Executive Board. This management committee consists of one or more directors.
2. If a management committee consists of several directors, a student will be given the opportunity to attend the meetings of this committee at which this student has an advisory vote. This student, who is called assessor, is appointed by the management committee of the organisational unit, on the recommendation of the student section of the sub-council of the unit in which the student follows a course.
3. The management committee is co-responsible for the preparation and development of ArtEZ's policy in general and the policy of its organisational unit in particular, and is fully responsible for the implementation thereof as well as for managing the daily affairs within its unit. The management committee and the Executive Board meet on a regular basis.
4. The tasks and powers of the management committee include, within its organisational unit and in accordance with ArtEZ's policy, as far as relevant to the unit in question:
  - a. adopting long-term policy based on a vision of education and/or research and/or support;
  - b. organising and coordinating education, including the distribution of resources made available for the courses, degree programmes, professorships and/or departments;
  - c. helping to define the Course & Examination Regulation and their implementation;
  - d. bearing responsibility for the quality of education and/or research and/or support;
  - e. preparing inspections and accreditations, including the preparation of annual reports and self-evaluations;
  - f. assessing heads, including conducting performance and assessment interviews;

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<sup>2</sup> For an overview of courses/degree programmes, professorships and supporting services per unit, please refer to the ArtEZ organisation chart.

- g. consulting with heads, lecturers, other members of staff, the sub-council and the course committees,
- h. drawing up the budget and the accompanying annual plan, a multi-year budget and a multi-year plan;
- i. monitoring income and expenditure within the budget adopted by the Executive Board, including checking invoices for accuracy, completeness and lawfulness;
- j. ensuring good communication within the organisational unit;
- k. promoting internal cooperation, including monitoring the relationship between education and research, and coordination with activities of other organisational units within ArtEZ;
- l. the promotion of external contacts and cooperation, including participation in regional, national and international disciplinary networks.

Any other tasks and powers are laid down in a job description, which is adopted by the Executive Board.

- 5. The governance and management powers that a management committee requires in order to perform the tasks assigned to it are granted to it by the Executive Board by written power of attorney. The Executive Board may suspend or terminate this mandate for reasons of the general interest of ArtEZ.
- 6. The management committee is accountable to the Executive Board.

#### **Article 6 Courses**

- 1. After consulting with the management committee for courses and degree programmes, the Executive Board sets up courses and degree programmes within the organisational unit of which the course or degree programme will form part.
- 2. A course is led by one head. Heads are appointed by the Executive Board on the recommendation of the management committee of the organisational unit of which the course is part. Contrary to the above provisions, if a course has more than one degree programme, each degree programme will be headed by a single head appointed by the Executive Board on the recommendation of the management committee of the organisational unit of which the degree programme is part.
- 3. The head is responsible for the content and organisation of education and the finances of the course or degree programme. To this end, they are joint responsibility for preparing and developing the policy of their course or degree programme and full responsibility for its implementation. The head and the management committee of the organisational unit of which the course or degree programme is part consult on a regular basis.
- 4. Within their course or degree programme and in accordance with the policy of the organisational unit of which the course or degree programme is part, the tasks and powers of the head include:
  - a. designing, managing and renewing the educational curriculum;
  - b. coordinating daily educational practice;
  - c. monitoring the profile and quality of the course or degree programme;
  - d. the quality assurance of the course or degree programme;
  - e. drawing up the budget and the accompanying annual plan, a multi-year budget and a multi-year plan;
  - f. monitoring income and expenditure within the budget adopted by the Executive Board, including checking invoices for accuracy, completeness and lawfulness;
  - g. scheduling courses and staff, within the frameworks set by the management committee of the organisational unit of which the course or degree programme is part;
  - h. allocating tasks to members of staff;
  - i. assessing members of staff, including performance and appraisal interviews;
  - j. maintaining contact with students as well as implementing the student policy and the relevant regulations of ArtEZ;
  - k. consulting with lecturers and course committees;

- l. ensuring good communication within the course or degree programme,
- m. maintaining external contacts, including guest lecturers, internship addresses and the field of work.

Any other tasks and powers are laid down in a job description, which is adopted by the Executive Board.

5. The governance and management powers that the head requires in order to perform the tasks assigned to them are granted to them by written power of attorney by the management committee of the organisational unit of which the course or degree programme is part. The management committee may suspend or terminate this mandate for reasons of the general interest of ArtEZ.
6. The head is accountable to the management committee of the organisational unit of which the course or degree programme is part.

### **Article 7 Professorships**

1. The Executive Board establishes professorships. Professorships are part of the organisational unit Research & Valorisation.
2. A professorship is headed by one professor. Professors are appointed by the Executive Board on the recommendation of the Research & Valorisation management committee, after consulting with the heads of the courses or degree programmes associated with the professorship.
3. The professor carries out their research and education tasks in collaboration with their research group on the basis of a research assignment. They are responsible for the quality, organisation and finances of the education and research. The professor and the management committee of the organisational unit of which the professorship is part consult on a regular basis.
4. Within their professorship and in accordance with the policy of the organisational unit of which the professorship is part and, insofar as they relate to teaching, in coordination with the heads of the courses and/or degree programmes in question, the tasks and powers of the professor include:
  - a. monitoring the profile and quality of the professorship;
  - b. initiating programmes aimed at research development and educational development;
  - c. teaching;
  - d. coordinating the day-to-day research;
  - e. drawing up the budget and the accompanying annual plan, a multi-year budget and a multi-year plan;
  - f. monitoring income and expenditure within the budget adopted by the Executive Board, including checking invoices for accuracy, completeness and lawfulness;
  - g. planning in terms of content and/or staff, within the frameworks set by the management committee of the organisational unit of which the professorship is part;
  - h. allocating tasks to members of staff within the professorship;
  - i. assessing members of staff, including performance and appraisal interviews;
  - j. promoting external cooperation, including participation in external consultations, such as knowledge networks, and introducing guest researchers and guest lecturers;
  - k. applying for and obtaining external funding for research and related activities.

Any other tasks and powers are laid down in a job description, which is adopted by the Executive Board.

5. The governance and management powers that the professor requires in order to perform the tasks assigned to them are granted to them by written power of attorney by the management committee of the organisational unit of which the professorship is part. The management committee may suspend or terminate this mandate for reasons of the general interest of ArtEZ.
6. The professor is accountable to the management committee of the organisational unit of which the professorship is a part.

**Article 8 Supporting services**

1. The Executive Board sets up supporting services for the provision of services to ArtEZ, its organisational units and other organisational sections. Supporting services are part of the organisational unit University Services Centre or the organisational unit Research & Valorisation.
2. A supporting service is headed by one head. Heads are appointed by the Executive Board on the recommendation of the management committee of the organisational unit of which the service is part.
3. The head is responsible for supporting education and research at ArtEZ. To this end, they bear joint responsibility for the preparation and development of the policy of their service and full responsibility for its implementation as well as for the management of the day-to-day affairs of their service. The head and the management committee of the organisational unit of which the service is part consult on a regular basis.
4. Within their service and in accordance with the policy of the organisational unit of which the service is part, the tasks and powers of the head include:
  - a. supporting education and research directly or indirectly;
  - b. promoting internal cooperation, including agreements and coordination with other activities within ArtEZ;
  - c. ensuring the quality of the service;
  - d. drawing up the budget and the accompanying annual plan, a multi-year budget and a multi-year plan;
  - e. monitoring income and expenditure within the budget adopted by the Executive Board, including checking invoices for accuracy, completeness and lawfulness;
  - f. planning in the areas of work and staff, within the frameworks set by the management committee of the organisational unit of which the service is part;
  - g. allocating tasks to members of staff within the service;
  - h. assessing members of staff, including performance and appraisal interviews;
  - i. ensuring good communication within the service.Any other tasks and powers are laid down in a job description, which is adopted by the Executive Board.
4. The governance and management powers that the head requires in order to perform the tasks assigned to them are granted to them by written power of attorney by the management committee of the organisational unit of which the service is part. The management committee may suspend or terminate this mandate for reasons of the general interest of ArtEZ.
5. The head is accountable to the management committee of the organisational unit of which the service is part.

**Article 9 Board of Examiners**

1. The Board of Examiners is the board of examiners under the law. It is the board of examiners for all courses. The Board of Examiners exercises its tasks and powers on the basis of the law.
2. Rules regarding the configuration, appointment and procedure of the Board of Examiners are laid down in the Board of Examiners Regulations, which are adopted by the Executive Board.

**Article 10 Course & Examination Regulation**

The Executive Board draws up Course & Examination Regulation for each course, degree programme or group of courses or degree programmes following consent from the Participation Council and the course committee(s) concerned in accordance with the law.

**PARTICIPATION**

**Article 11 Participation council and sub-councils**

1. The Participation Council is the participation council under the law.
2. The Participation Council discusses the general course of affairs with the Executive Board, including the planned policy of the Executive Board. The Participation Council exercises the tasks and powers assigned to it by the law.
3. Each organisational unit has a sub-council. The sub-council discusses the general course of events within its organisational unit with the management committee of this unit. The sub-council exercises the tasks and powers assigned to it by the law.
4. Rules concerning the configuration, appointment and procedure of the Participation Council and the sub-councils are laid down in the Participation Regulations. These regulations also lay down the matters on which the Participation Council has a right of consent and an advisory right.

**Article 12 Course committees**

1. The course committees are the course committees under the law. Every course has a Course Committee. If a course has more than one degree programme, then each degree programme can have a Course Committee.
2. The Course Committee advises the head of the course or degree programme on how to promote and guarantee the quality of the course. The Course Committee exercises the duties and powers assigned to it by the law and the Participation Regulations.
3. Rules regarding the configuration, appointment and procedure of the course committees are laid down in the Participation Regulations. These regulations also lay down the matters on which the Participation Council has a right of consent and an advisory right.

## SUPERVISION

**Article 13 Supervision**

1. The Executive Board may suspend or reverse a decision of a management committee, head or other manager in whole or in part if it contravenes laws and regulations and/or the policy adopted by the Executive Board and/or otherwise conflicts with the interests of ArtEZ.
2. Suspension or reversal as referred to in the first paragraph will not take place until the person who has taken the decision has been heard.
3. In the event of reversal, the Executive Board may adopt a new decision that replaces the reversed decision.
4. If a management committee, head or other manager demonstrably fails to take a decision that should have been taken, the Executive Board will take that decision, having heard the person who should have taken the decision.

## LEGAL PROTECTION

**Article 14 Appeals, objections and complaints**

1. The secretarial office of the Disputes Advisory Committee, the Undesirable Behaviour Complaints Committee and the Examination Appeals Board is incorporated into the Executive Office.
2. An interested party may lodge a complaint, an objection or an appeal with the Executive Office if the complaint, the objection or the appeal is admissible for consideration by the Disputes Advisory Committee, the Undesirable Behaviour Complaints Committee or the Examination Appeals Board. The complaint, objection or appeal may be lodged in writing or electronically.



3. The period for lodging an objection or appeal is six weeks. The period commences on the day following the day on which the member of staff or student is notified of the decision, with the date of the postmark or email being decisive.
4. The Executive Office sends confirmation of receipt to the person lodging a complaint, objection or appeal, stating how the complaint, objection or appeal will be handled.

#### **Article 15 Complaints general**

1. A student or member of staff with a complaint (hereinafter referred to as 'the complainant') will initially contact the person against whom the complaint is lodged in order to agree on a solution.
2. The complainant may approach the manager of the person against whom the complaint is lodged if the complainant and the person against whom the complaint is lodged fail to agree on a solution.
3. The complainant may lodge a complaint with the Executive Office under Article 14 if a solution cannot be reached with the assistance of the manager of the person against whom the complaint is lodged. The complaint is handled on behalf of the Executive Board in accordance with Title 9.1 of the General Administrative Law Act.
4. The complainant may lodge an objection with the Executive Office in accordance with Article 14 without following the procedure referred to in Article 15(1-3), if the complaint is directed against a decision made by or on behalf of the Executive Board. The objection will then be dealt with by the Disputes Advisory Committee in accordance with Article 16.
5. The provisions of this article do not apply to complaints about undesirable behaviour.

#### **Article 16 Disputes Advisory Committee**

1. The Disputes Advisory Committee is the disputes advisory committee under the law.
2. The Disputes Advisory Committee advises the Executive Board on all objections lodged by interested parties against decisions taken by or on behalf of the Executive Board that are not handled by the Board of Examiners or the Examination Appeals Board.
3. The Disputes Advisory Committee exercises the tasks and powers assigned to it by the law.
4. Rules concerning the configuration, appointment and procedure of the Disputes Advisory Committee are laid down in the Disputes Regulations, which are adopted by the Executive Board.

#### **Article 17 Undesirable Behaviour Complaints Committee**

1. There is an Undesirable Behaviour Complaints Committee that is charged with handling complaints from students and members of staff about undesirable behaviour.
2. Rules concerning the configuration, appointment and procedure of the Undesirable Behaviour Complaints Committee are laid down in the Undesirable Behaviour Complaints Procedure, which is adopted by the Executive Board.

#### **Article 18 Disputes concerning participation**

The procedures for dealing with disputes concerning participation are laid down in the Participation Regulations.

#### **Article 19 Whistleblower Regulations**

The Executive Board draws up whistleblower regulations after obtaining the consent of the Participation Council. The Whistleblower Regulations set out the procedure to be followed in the event of any reported or suspected abuse within ArtEZ.

#### **Article 20 Examination Appeals Board**

1. The ArtEZ Examination Appeals Board is the examination appeals board under the law.

2. The Examination Appeals Board deals with appeals lodged by students against decisions relating to admission, exemption from credits, assessments and other appealable decisions of the Board of Examiners.
3. The Examination Appeals Board exercises the duties and powers assigned to it by the law.
4. The Examination Appeals Board adopts regulations incorporating further rules concerning the size and configuration of the Examination Appeals Board, the term of office of its members and any deputy members, the manner in which membership or deputy membership ends, and the procedure for handling appeals.
5. The regulations referred to in Article 20(4), as well as any amendments thereto, require the approval of the Executive Board.

### **Article 21 Higher Education Appeals Tribunal**

In accordance with the law, students may lodge an appeal with the Higher Education Appeals Tribunal in The Hague against appealable decisions taken by or on behalf of the Executive Board or the Examination Appeals Board.

## **ADOPTION, ENTRY INTO FORCE AND FINAL PROVISION**

### **Article 22 Adoption**

The Governance and Management Regulations are adopted by the Executive Board after obtaining approval from the Board of Governors and the consent of the Participation Council.

### **Article 23 Entry into force**

1. The Governance and Management Regulations take effect as soon as they have been adopted by the Executive Board, approved by the Board of Governors and endorsed by the Participation Council.
2. Once the Governance and Management Regulations have entered into force, they will replace the Governance Regulations dated 1 March 2010.

### **Article 24 Final provision**

In all cases not provided for in the Governance and Management Regulations, as well as in the event of a dispute about the interpretation of these regulations, the Executive Board will decide, having heard the opinion of the Participation Council.