

ArtEZ University of the Arts

| **Student-staff participation Regulations**

For the Representative Council,
the Academy Councils and the Course Committees

Consent obtained from the Representative Council on 17 July 2018
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CONTENTS

Preamble:	Our shared vision of student-staff participation within ArtEZ	4
Chapter I	Definitions	5
Chapter II	Representative Council	6
	§ 1 General	6
	§ 2 General tasks and powers	7
	§ 3 Special tasks and powers	8
Chapter III	Academy Councils	12
	§ 1 General	12
	§ 2 General tasks and powers	13
	§ 3 Special tasks and powers	15
Chapter IV	Course Committees	17
	§ 1 General	17
	§ 2 Tasks and powers	18
Chapter V	Elections and membership	20
Chapter VI	Committees	24
Chapter VII	Dispute resolution	25
Chapter VIII	Final provisions	26

PREAMBLE

Our shared vision of student-staff participation within ArtEZ

The Institutional Strategic Plan 2016 – 2021 expressed the ambition to allow ArtEZ to grow further into a leading university of the arts. The level of our top courses is to become the standard for all our education and research. This ambition is feasible by utilising the wealth of talent available at ArtEZ. By continuing to work on a climate in which current talent can grow and blossom. By continuing to build an environment that attracts new talent.

To achieve this, we enter into dialogue with each other at ArtEZ: everywhere in the university, but first of all in consultation with the Executive Board, the Representative Council, directors, Academy Councils, heads of courses and Course Committees, as this consultation between governance and student-staff participation is valuable. Thanks to the insights of members of staff and students, decision-making is further improved. They know what is going on in their environment and what needs there are. In particular, we want to give students a more visible role in participation. We aim to promote this by encouraging students to join student-staff participation bodies, by sharing good experiences with year group representatives, and by effectively facilitating student-staff participation through training and support.

Student-staff participation is more than simply approving or rejecting proposed decisions. All sides must have the will to enter into a serious substantive discussion in good time. The Representative Council, the Academy Councils and the Course Committees must be able to provide actual input for the planned policy, which is only possible at an early planning stage. However, the involvement of student-staff participation bodies in decision-making does not mean that they bear responsibility for the final decisions taken by ArtEZ. This decision-making is and remains the responsibility of the Executive Board, the management committees and the heads of the courses. The student-staff participation bodies and the board have and continue to have their own tasks and powers, but we are all responsible for the atmosphere in which the consultations are held. Mutual trust and openness are important conditions for influencing policy, both reactively and proactively. We all value good manners in the dialogue we hold, remaining respectful at all times, even when there are differences of opinion. Our motto is to stay in touch and talk. Together we are ArtEZ.

CHAPTER I

DEFINITIONS

Article 1 - Definitions

For the purposes of these regulations and the regulations based thereon, the terms below have the following meanings:

- a. WHW: Higher Education and Research Act [*Wet op het Hoger onderwijs en Wetenschappelijk onderzoek*];
- b. University: the ArtEZ University of the Arts Foundation;
- c. Academy: one of the academies within the University, viz. ArtEZ Academy of Art & Design Arnhem, ArtEZ AKI Academy of Art & Design, ArtEZ Academy of Art & Design Zwolle, ArtEZ Academy of Theatre & Dance, ArtEZ Academy of Music;
- d. Organisational unit: an academy, ArtEZ Master Courses, ArtEZ Research & Valorisation and ArtEZ University Services Centre;
- e. Executive Board: the Executive Board of the University, as referred to in its articles;
- f. Representative Council: the central or umbrella council of the University;
- g. Academy Council: one of the Academy Councils within the University established for the organisational units;
- h. Course Committee: a committee within the meaning of Section 10.3c of the WHW;
- i. Student-staff participations Regulations: the student-staff participation regulations within the meaning of Section 10.21(1) of the WHW;
- j. Internal Regulations: the regulations of the Representative Council for matters of internal interest;
- k. Students: The persons who are registered with the university as students within the meaning of the WHW;
- l. Staff: Members of staff of the University who are appointed on the basis of an employment contract. These are the teaching and support staff.

CHAPTER II

REPRESENTATIVE COUNCIL

§ 1 General

Article 2.1 - Institution

The University has one Representative Council.

Article 2.2 - Configuration

1. The Representative Council is composed of up to eighteen members.
2. The Representative Council is elected from eight electoral groups. The electoral groups are shown below. In addition, one seat is filled by the eligible student with the highest number of votes obtained, disregarding students elected through their electoral group.

Designation of electoral group	Students	Members of staff
ArtEZ Academy of Art and Design Arnhem	1	1
AKI Academy of Art & Design	1	1
ArtEZ Academy of Art and Design Zwolle	1	1
ArtEZ Academy of Theatre and Dance	1	1
ArtEZ Academy of Music*	3	3
ArtEZ Master Courses	1	1
ArtEZ Research & Valorisation	-	
ArtEZ Service Company	-	1
The student with the highest number of votes obtained, disregarding the students elected by their electoral group	1	-
Total number of seats per section	9	9

* Electors of the ArtEZ Academy of Music electoral group each choose one student member and one staff member from their own location: Arnhem, Enschede or Zwolle.

3. The members of the Executive Board and the management committees of organisational entities cannot be members of the Representative Council.

Article 2.3 - Executive committee

1. The Representative Council elects from among its members one chair, one deputy chair and one secretary, who jointly form the executive committee. The duties of deputy chair and secretary may be performed by one person.
2. The Chair or, if they are prevented from attending, the deputy chair, is the legal representative of the Representative Council.

Article 2.4 - Term of office and succession

1. The members of the student-staff participation are elected for a period of three years.
2. Resigning members may be re-elected no more than twice consecutively.
3. At the end of a three-year period during which the resigned member has not held a seat on the Representative Council, a former member may be re-elected to the Representative Council for a maximum of three terms.
4. A member who resigns before their term has lapsed is succeeded by the first prospective member on the electoral list of their section in accordance with Article 5.11 of these regulations.

Article 2.5 - Legal protection

1. The Executive Board will ensure vis-à-vis the Representative Council that the members of the Representative Council are not disadvantaged in their position or their education at the University on account of their membership of the Representative Council. The first sentence applies *mutatis mutandis* to prospective members and former members.
2. The employment contract of a member of staff of the University cannot be terminated – other than at their own request – on account of their candidacy for membership, their membership or their former membership of the Representative Council. Termination of the employment contract contrary to the provisions of this paragraph is null and void.

*§ 2 General tasks and powers***Article 2.6 - General tasks**

1. The Representative Council is designed to promote openness, publicity and mutual consultation at the University.
2. Within the University in general, the Representative Council guards against discrimination on any grounds and promotes in particular the equal treatment of men and women, as well as the student-staff participation of disabled people and Dutch citizens with a migration background.

Article 2.7 - General powers

1. The Representative Council is authorised to make proposals and express views to the Executive Board on all matters concerning the University as a whole.
2. The Executive Board will submit a written reasoned response to the proposals referred to in the first paragraph to the Representative Council within eight weeks.
Before issuing the response referred to in the previous sentence, the Executive Board will give the Representative Council at least one opportunity to discuss its proposal with the Executive Board.

Article 2.8 - Internal affairs

The Representative Council draws up internal regulations covering the following topics: meetings, day-to-day management, facilitation, voting procedure, reporting, public access and the right to speak. The internal rules also provide for the manner in which the financial resources made available by the Executive Board are allocated to the Representative Council, the Academy Councils and any committees.

Article 2.9 - Confidentiality

1. The members of the Representative Council are obliged to maintain confidentiality with regard to all matters they learn of in their capacity as members of the Executive Board in respect of which the Executive Board imposes a duty of confidentiality or which the members of the Representative Council should know are confidential.

2. The Executive Board will notify the Representative Council of its intention to impose confidentiality as much as possible before confidential matters are handled.
3. A decision to impose confidentiality will also state which written or verbal information provided is confidential, for how long, and whether there are people with respect to whom no confidentiality has to be maintained.
4. If the Representative Council decides to impose a duty of confidentiality, this will apply to all members of the Representative Council.
5. The duty of confidentiality will continue to apply after termination of membership of the Representative Council, termination of employment or termination of registration as a student.
6. In cases of doubt as to the reasonableness of imposing confidentiality in a specific case, the Representative Council may apply to the Disputes Advisory Committee referred to in Section 10.26(1) of the WHW and Article 7.2 of these regulations.

Article 2.10 - Conflicting interests

If at a meeting or a certain part thereof, a matter of particular personal interest of one of the Representative Council members is at issue, the Representative Council may decide that the member concerned does not participate in that meeting or that part of the meeting. In that case, the matter in question will be dealt with in a closed meeting.

Article 2.11 - Openness

1. The Representative Council will ensure that the internal regulations, the agendas and the minutes of the meetings are made available to the Executive Board, the Academy Councils, the Course Committees and any other committees within the meaning of Article 6.1 of these regulations by making them available for inspection in a publicly accessible digital location at the University for the benefit of interested parties.
2. Minutes of meetings are adopted by the Executive Board and the Representative Council jointly.

§ 3 Special tasks and powers

Article 2.12 - Information provision

1. The Executive Board will promptly provide the Representative Council, solicited or unsolicited, with all information that the Representative Council may reasonably require for the performance of its tasks.
2. At the start of the academic year, the Executive Board will provide the Representative Council with basic written details of the configuration of the Executive Board, the organisation of the University, the division of tasks within the Executive Board and the main points of the policy already adopted.
3. At least once a year, the Executive Board will inform the Representative Council in writing of the policy it pursued in the previous year and of its intentions for the coming year in the financial, organisational and educational fields, taking into account the developments within the units.
4. The Executive Board will inform the Representative Council immediately of its intentions regarding the matters referred to in Section 10.20(a) of the WHW, which at the time of adoption of these regulations include: the general human resources and appointment policy, the policy with regard to the university tuition fees, the regulations regarding the institutional board with regard to the reimbursement of statutory tuition fees, the regulations adopted by the institutional board with regard to the criteria and procedure for dispensation from payment of the higher tuition fees, and the rules adopted by the institutional board with regard to study counselling.

5. The chairs and secretaries of the Representative Council and the Academy Councils or their deputies meet twice a year for information and consultation on student-staff participation within the University.

Article 2.13 - Right of consent (Section 10.20 of the WHW)

1. The Executive Board requires the prior consent of the Representative Council for every decision to be taken on the adoption or amendment of:
 - a. the institutional strategic plan;
 - b. the student-staff participation regulations;
 - c. the design of the quality assurance system in accordance with Section 1.18(1) of the WHW, as well as the planned policy in the light of the results of the quality assessment referred to in Section 2.9(2) of the WHW;
 - d. the student charter;
 - e. the governance regulations;
 - f. the Course & Examination Regulation referred to in Section 7.13 of the WHW, with the exception of the subjects referred to in Section 7.13(2)(a) to (g) and (v) and (3) of the WHW;
 - g. rules pertaining to working conditions;
 - h. the policy of the Executive Board for the purposes of Section 7.51 of the WHW with regard to the profiling fund;
 - i. the choice of student-staff participation systems, referred to in Section 10.16a(1) of the WHW;
 - j. a decision to merge, as referred in Section 16.16 of the WHW;
 - k. the main points of the annual budget;
 - l. the Whistleblower Regulations and the Disputes Regulations.
2. With regard to part g. of the previous paragraph, the members of the Representative Council elected from among and by staff are exclusively authorised.
3. The Representative Council decides whether to grant or withhold its approval and will notify the Executive Board in writing thereof within 30 working days of receipt of a request from the Executive Board. After consulting with the Representative Council, the Executive Board may extend this 30-working-day period. If the Representative Council does not make a definitive decision as to whether or not to grant consent within the set period, the Executive Board may proceed with the implementation.
4. If the Representative Council expressly withholds its consent, the provisions of Section 9.39-9.46 in conjunction with Section 10.26 of the WHW apply *mutatis mutandis*.

Article 2.14 Advisory right (Sections 10.20a and 10.23 of the WHW)

1. Without prejudice to the provisions of Section 10.20 of the WHW and Article 2.13 of these regulations, the Executive Board will request the Representative Council's prior advice on any decision to be taken by the Executive Board regarding:
 - a. matters relating to the objectives, continued existence and proper course of affairs within the University; including the transfer or conversion of the institution or part thereof;
 - b. the budget setting the amounts of the institution's tuition fees.
2. Without prejudice to the provisions of Article 10.20, the Executive Board will request the Representative Council's prior advice on any decision proposed by the Board of Governors regarding:
 - a. the profiles of the members of the Board of Governors within the meaning of Article 10.3d(4);

- b. the profiles of the members of the Executive Board within the meaning of Article 9.3(2);
 - c. appointing and dismissing the members of the Executive Board within the meaning of Article 10.3d(2)a.
3. This advice will be requested at such a time that it can have a meaningful impact on the decision-making. The Representative Council will be given the opportunity to consult with the Executive Board before issuing its advice.
 4. The Representative Council will issue its written advice to the Executive Board within 30 working days of receipt of a request to that effect, failing which the Executive Board may proceed with the implementation. After consulting with the Representative Council, the Executive Board may extend this 30-working-day period.
 5. The Representative Council will be informed in writing as soon as possible of the action taken on the advice given.
 6. If the Executive Board does not wish to follow the advice or does not wish to do so in full, the Representative Council will be given the opportunity to consult further with the Executive Board before a final decision is taken.
 7. If the Executive Board takes a decision not to follow or not fully follow the advice of the Representative Council pursuant to paragraph 1, the Representative Council may refer this fact to the disputes committee within the meaning of Section 10.26(1) of the WHW in accordance with Article 7.2 of these regulations.

Article 2.15 - Special powers (Section 10.24 of the WHW)

1. If the Representative Council is of the opinion that prohibited distinctions are made within the University as referred to in the Equal Treatment Act, in Section 7:646 of the Civil Code or in the Equal Treatment (Men and Women) Act, it is authorised to submit a written request to the *College voor de Rechten van de Mens* (Human Rights Board) in accordance with Section 12(1) of the Equal Treatment Act. Section 21(2) of the Equal Treatment (Men and Women) Act applies *mutatis mutandis*.
2. The members of the Representative Council that have been elected from among and by staff are exclusively authorised with regard to the working conditions that have been assigned to the Representative Council under Section 16 of the Working Conditions Act and the Order in Council.
3. The Executive Board requires the prior consent of the members of the Representative Council elected from among and by staff for any decision to be taken by the Executive Board on matters of general interest to the special legal status of staff.
4. If, pursuant to the third paragraph, the Executive Board requires the prior consent of the members of the Representative Council elected from among and by staff, the members of the Representative Council elected from among and by the students will be given the opportunity to give advice on the decision.
5. The right of consent or advisory right in matters as referred to in the third and fourth paragraphs cannot be exercised to the extent that the matter in question has already been provided for for the University by a regulation issued by or under the law or a collective agreement.
6. The members of the Representative Council elected from among and by the students will be given the opportunity to issue advice on the subjects provided for in Section 10.20a(2) of the WHW in conjunction with Article 2.12(4) of these regulations.
7. The Representative Council has the right to recommend one of the members of the Board of Governors. The recommendation must state at least two names.

Article 2.16 - Consultation between the Executive Board and the Representative Council

1. At least twice a year, the Executive Board will give the Representative Council the opportunity to discuss the general course of affairs at the University with it.

2. The consultation referred to in the first paragraph will be attended by a member of the Board of Governors at least twice a year.
3. The Executive Board and the Representative Council will meet as soon as possible at the request of the Executive Board, the Representative Council or the members of the Representative Council elected from among and by staff, or from among and by students, stating the reasons.

Article 2.17 - Facilities and training (Section 10.39 of the WHW)

1. The Executive Board allows the Representative Council to use the facilities that are available to the Executive Board and which the Representative Council reasonably requires for the performance of its tasks.
2. The Executive Board gives the Representative Council the opportunity to convene during working hours whenever possible.
3. The Executive Board gives the members of the Representative Council the opportunity to receive, for two days a year, the training that the Representative Council deems necessary for the performance of its tasks. The members of the staff section of the Representative Council are given the opportunity to receive this training during working hours, at full pay.

Article 2.18 - Costs of external advice

If, in exceptional circumstances, it is reasonably necessary for the Representative Council, either on behalf of the Academy Council or otherwise, to seek external advice for a fee, this fee will be paid by the University, subject to the prior consent of the Executive Board. Without this consent, the decision on the reimbursement of the fee will be submitted to the disputes committee referred to in Article 7.2 of these regulations for a binding opinion.

Article 2.19 - Annual Report

The Representative Council reports annually in writing on its activities and ensures that all those involved in the University can read the report.

CHAPTER III

Academy Councils

§ 1 *General*

Article 3.1 - Institution

The University has eight academy councils, namely at least one for each organisational unit.

- a. ArtEZ Academy of Art and Design Arnhem: 1 academy council,
- b. AKI Academy of Art & Design: 1 academy council,
- c. ArtEZ Academy of Art and Design Zwolle: 1 academy council,
- d. ArtEZ Academy of Theatre & Dance: 1 academy council,
- e. ArtEZ Academy of Music: 1 academy council, with 3 sections, namely one each for the Arnhem, Enschede and Zwolle locations,
- f. ArtEZ Master Courses: 1 academy council,
- g. ArtEZ Research & Valorisation: 1 academy council,
- h. ArtEZ Service Company: 1 academy council.

Article 3.2 - Configuration

1. An Academy Council is made up of four members. The number of members of an Academy Council is determined by the management committee of the organisational unit of which the Academy Council is part well before the start of a term of office, having heard the Academy Council.
2. In the case of the organisational units referred to in Article 3.1(a) to (f), half of the members of the Academy Council are elected by and from the staff of the organisational unit in question, and half of the members are elected by and from students of the organisational unit in question. For the organisational units referred to in Article 3.1(g) to (h), the aim is achieve equal representation of staff from the various sections of the organisational unit in question.
3. The members of the Executive Board, the management committees of organisational units and heads of courses, degree programmes and supporting services cannot be members of an Academy Council.

Article 3.3 - Executive committee

The Academy Council elects from among its members one chair, one deputy chair and one secretary, who jointly form the executive committee. The duties of deputy chair and secretary may be performed by one person.

Article 3.4 - Term of office and succession

1. The members of the Academy Council are elected for a period of three years.
2. Resigning members may be re-elected no more than twice consecutively.
3. At the end of a three-year period during which the resigned member has not held a seat on the Academy Council, a former member may be re-elected to the Academy Council for a maximum of two terms.

4. A member who resigns before their term has lapsed is succeeded by the first prospective member on the electoral list of their section. If no prospective member is available for succession, by-elections will be held in accordance with Article 5.11 of these regulations.

Article 3.5 - Legal protection

1. The Executive Board will ensure vis-à-vis the Academy Council that the members of the Academy Council are not disadvantaged in their position or education at the University on account of their membership of the Academy Council. The first sentence applies *mutatis mutandis* to prospective members and former members.
2. The employment contract of a member of staff of the University cannot be terminated – other than at their own request – on account their candidacy for membership, their membership or their former membership of the Academy Council. Termination of the employment contract contrary to the provisions of this paragraph is null and void.

§ 2 *General tasks and powers*

Article 3.6 - General tasks

The Academy Councils promote openness, public access and mutual consultation within the University, particularly within their organisational units.

Article 3.7 - General powers

The Academy Council exercises its right of consent or advisory right vis-à-vis the management committee of their organisational unit with respect to matters that particularly concern the organisational unit in question and decision-making powers that have been assigned to the management committee. These include at least the long-term policy, the annual plan, the budget and the annual financial report of the organisational unit.

Article 3.8 - Internal affairs

The Academy Council will draw up Internal Regulations, which will in any event cover the following subjects: the order and frequency of meetings, the configuration of the executive board, facilitation, voting procedure, reporting, public access and the right to speak.

Article 3.9 - Confidentiality

1. The members of the Academy Council are obliged to maintain confidentiality with regard to all matters they learn of in their capacity as members and in respect of which the management committee imposes confidentiality or which the members of the Academy Council should understand are confidential.
2. The management committee will notify the Academy Council of its intention to impose confidentiality as much as possible before confidential matters are handled.
3. A decision to impose confidentiality will also state which written or verbal information provided is confidential, for how long, and whether there are people with respect to whom no confidentiality has to be maintained.
4. The duty of confidentiality will continue to apply after termination of the membership of the Academy Council, termination of employment or termination of registration as a student.

Article 3.10 - Conflicting interests

If at a meeting or a certain part thereof, a matter of particular personal interest of one of the Academy Council members is at issue, the Academy Council may decide that the member

concerned does not participate in that meeting or that part of the meeting. In that case, the matter in question will be dealt with in a closed meeting.

Article 3.11 - Openness

1. The Academy Councils will ensure that the Internal Regulations, the agendas and the minutes of the meetings are sent to the Executive Board, the Representative Council, the Course Committees and any other committees set up and that they are made available for inspection at a generally accessible location or at a location at the University that can be reached digitally for the benefit of interested parties.
2. Minutes of meetings between the management committee of the organisational unit and the relevant Academy Council are drawn up jointly.

§ 3 Special tasks and powers

Article 3.12 - Information provision

1. Upon request, the management committee of the organisational unit will promptly provide the Academy Council with all information that the Academy Council may reasonably require for the performance of its tasks.
2. At the beginning of the academic year, the management committee will provide the Academy Council with basic written information on the organisation of the organisational unit and the main points of the policy already adopted.
3. At least once a year, the management committee will inform the Academy Council in writing of the policy it has pursued in the past year and of its policy intentions for the coming year.
4. The chairs and secretaries of the Representative Council and the Academy Councils or their deputies meet twice a year for information and consultation on student-staff participation within the University.

Article 3.13 Right of consent

1. The management committee of an organisational unit must obtain the prior approval of the Academy Council for any decision it takes regarding the adoption or modification of:
 - a. the part of the institutional strategic plan presented by the organisational unit;
 - b. the design of the quality assurance system in accordance with Section 1.18(1) of the WHW, as well as the planned policy in the light of the results of the quality assessment referred to in Section 2.9(2) of the WHW.
2. Academy Council decides whether to grant or withhold its consent and will inform the management committee of the organisational unit thereof in writing within 30 working days of receipt of a request from the management committee. After consulting with the Academy Council, the management committee may extend this period of 30 working days. If the Academy Council does not give a decision as to whether or not to grant consent within the set time limit, the management may proceed with the implementation.
3. If the Academy Council expressly withholds its consent, the provisions of Sections 9.39-9.46 in conjunction with Section 10.26 of the WHW will apply *mutatis mutandis*.

Article 3.14 Advisory right

1. Without prejudice to the provisions of Article 10.20 of the WHW and Article 3.13 of these regulations, the management committee of the organisational unit will request the Academy Council's prior advice on any decision to be taken by the management committee about:
 - a. matters relating to the objectives, continued existence and proper course of affairs within the organisational unit;

- b. the budget of the organisational unit.
2. This advice will be requested at such a time that it can have a meaningful impact on the decision-making. The Academy Council will be given the opportunity to consult with the management committee before advice is issued.
3. The Academy Council will give its written advice to the management committee within 30 working days of receipt of a request to that effect, failing which the management may proceed with the implementation. After consulting with the Academy Council, the management committee may extend this period of 30 working days.
4. The Council will be informed in writing as soon as possible of the action to be taken on the advice issued.
5. If the management committee does not wish to follow the advice or not in its entirety, the Academy Council will be given the opportunity to consult further with the management committee before the final decision is taken.
6. If the management committee decides not to follow or not fully follow the advice of the Academy Council under paragraph 1, the Academy Council may refer this fact to the disputes committee referred to in Article 10.26(1) of the WHW and Article 7.2 of these regulations.

Article 3.15 - Special powers

1. If the Academy Council is of the opinion that prohibited distinctions are made within the organisational unit as referred to in the Equal Treatment Act, in Section 7:646 of the Civil Code or in the Equal Treatment (Men and Women) Act, the Academy Council is authorised to submit a written request to the *College voor de Rechten van de Mens* (Human Rights Board) in accordance with Section 12(1) of the Equal Treatment Act. Section 21(2) of the Equal Treatment (Men and Women) Act applies *mutatis mutandis*.
2. The right of consent or advisory right in matters as referred to in the Articles 3.13 and 3.14 of these regulations cannot be exercised to the extent that the matter in question has already been provided for for the organisational unit by a regulation issued by or under the law or a collective agreement.
3. The Academy Council will advise the Executive Board on the profile of the members of the management committee of the organisational unit before it is adopted by the Executive Board.

Article 3.16 - Consultation with the management committee of the organisational unit

1. At least twice a year, the management committee will give the Academy Council the opportunity to discuss with it the general course of affairs within the organisational unit in question.
2. The consultation referred to in the first paragraph will be attended by a member of the Executive Board at least once a year.
3. The management committee and the Academy Council will meet as soon as possible if so requested by the management committee or the Academy Council, stating the reasons.

Article 3.17 - Facilities and training (Section 10.39 of the WHW)

1. The management committee allows the Academy Council to make use of the facilities that are available to the management committee and which the Academy Council reasonably needs in order to perform its tasks.
2. The management committee gives the Academy Council the opportunity to convene during working hours whenever possible.
3. The management committee gives the members of the Academy Council the opportunity to receive, for two days per year, the training that the Academy Council deems necessary for the performance of its tasks. Members of the staff section of the Academy Council are given the opportunity to receive this training during working hours, at full pay.

Article 3.18 - Costs of external advice

If, under exceptional circumstances, it is reasonably necessary for the Academy Council to seek external advice for a fee, this fee will be paid by the organisational unit, subject to the prior approval of the management committee. Without this consent, the decision on the reimbursement of the fee will be submitted to the disputes committee referred to in Article 6.2 for a binding opinion.

Article 3.19 - Annual Report

The Academy Council submits an annual written report on its activities and ensures that all parties concerned have access to the report.

CHAPTER IV

COURSE COMMITTEES

§ 1 *General*

Article 4.1 - Institution (Section 10.3c of the WHW)

The management committee of an organisational unit will establish a Course Committee within the organisational unit for:

- each course;
- each degree programme or group of degree programmes of a course, if there are several degree programmes; or
- a group of courses.

Article 4.2 - Configuration

1. A Course Committee is made up of at least four members. Two members are chosen from the students enrolled on the course or degree programme in question and two members are chosen from the lecturers of the course or degree programme in question, subject to the procedure outlined in this article.
2. All students registered for a course or degree programme or lecturers of a course or degree programme may be elected as members of the Course Committee of their course or degree programme, subject to the conditions of Article 4.4(3).
3. The members of the Executive Board, the management committee of organisational units and heads of courses or degree programmes cannot be members of a Course Committee.

Article 4.3 - Executive committee

The Course Committee elects one chair, one deputy chair and one secretary from among its members. The duties of deputy chair and secretary may be performed by one person.

Article 4.4 - Term of office and succession

1. The members of the Course Committee are elected for a period of three years.
2. Resigning members may be re-elected no more than twice consecutively.
3. At the end of a three-year period during which the resigned member has not held a seat on the Course Committee, a former member may be re-elected to the Course Committee for a maximum of three terms.
4. A member who resigns before their term has lapsed is succeeded by the first prospective member on the electoral list of their section in accordance with Article 5.11 of these regulations.

Article 4.5 - Legal protection

1. The Executive Board will ensure vis-à-vis the Course Committees that the members of the Course Committees are not disadvantaged in their position or their education at the University on account of their membership of the Course Committees. The first sentence applies *mutatis mutandis* to former members.
2. The employment contract of a member of staff of the University cannot be terminated – other than at their own request – on account their membership or their former membership of the Course Committee. Termination of the employment contract contrary to the provisions of this paragraph is null and void.

§ 2 Tasks and powers

Article 4.6 - General tasks

The task of the Course Committee is to advise the head of the course or the degree programme, as well as the Academy Council of the organisational unit of which the course is part, on promoting and guaranteeing the quality of the course.

Article 4.7 - General powers

The Course Committee exercises its right of consent and the advisory right vested in the Course Committees under Section 10.3c of the WHW vis-à-vis the head of the course or degree programme and the management committee of an organisational unit with regard to matters that concern the course, degree programme and organisational unit in question.

Article 4.8 - Special powers and tasks

1. The Course Committee has a right of consent with regard to the Course & Examination Regulation referred to in Section 9.18(1)(a) in conjunction with Section 7.13 of the WHW, with the exception of the subjects referred to in the second paragraph under a, f, h up to and including u and x, and with the exception of the requirements referred to in Section 7.28(4) and (5) and Section 7.30b(2).
2. Each year the Course Committee assesses the way in which the Course & Examination Regulation are implemented.
3. The Course Committee has an advisory right with regard to the Course & Examination Regulation referred to in Section 7.13 of the WHW, with the exception of the subjects for which the Committee has a right of consent under a.
4. The Course Committee issues advice, upon request or of its own accord, to the head of the course or degree programme or to the assembled heads of the group of courses. The Course Committee will also send the recommendations and proposals to the management committee and the Academy Council of the organisational unit.
5. The Course Committee is authorised to invite the head of the course or degree programme or the assembled heads of the group of courses at least four times a year to discuss the planned policy on the basis of an agenda drawn up by the Course Committee.
6. The Course Committee is authorised to invite the management committee of the organisational unit at least twice a year to discuss the planned policy on the basis of an agenda drawn up by the Course Committee. The discussion may take place at the same time as a discussion as referred to in Article 4.8(5).

Article 4.9 - Internal Regulations

The Course Committees jointly draw up Internal Regulations which contain rules on the procedure of the Course Committees covering the following topics: meetings, facilitation, voting procedure, reporting, public access and the right to speak.

Article 4.10 - Confidentiality

1. The members of the Course Committee are obliged to maintain confidentiality with regard to all matters they learn of in their capacity as members and in respect of which the management committee of the organisational unit imposes confidentiality or which the members of the Course Committee should understand are confidential.
2. The head of the course or degree programme will notify the Course Committee of its intention to impose confidentiality as much as possible before confidential matters are handled.

3. A decision to impose confidentiality will also state which written or verbal information provided is confidential, for how long, and whether there are people with respect to whom no confidentiality has to be maintained.
7. The duty of confidentiality will continue to apply after termination of membership of the Course Committee, termination of employment or termination of registration as a student.

Article 4.11 - Conflicting interests

If at a meeting or a certain part thereof a matter of particular personal interest of one of the members of the Course Committee is at issue, the Course Committee may decide that the member in question does not participate in that meeting or that part of the meeting. In that case, the matter in question will be dealt with in a closed meeting.

Article 4.12 - Openness

1. The Course Committee ensures that the agendas and the minutes of the meetings are made available to the Academy Council of the organisational unit of which it is part.
2. Minutes of meetings between the head of the course or degree programme and/or the management committee of the organisational unit and the relevant Course Committee are drawn up jointly.

Article 4.13 - Information provision

Upon request, the head of the course or degree programme and the management committee of the organisational unit will promptly provide the Course Committee with all information that it reasonably requires for the performance of its tasks.

Article 4.14 - Facilities and training (Section 10.39 of the WHW)

1. The management committee allows the Course Committee to make use of the facilities that are available to the management committee and that the Course Committee reasonably requires for the performance of its tasks.
2. The management committee gives the Course Committee the opportunity to convene during working hours whenever possible.
3. The management committee gives the members of the Course Committee the opportunity to receive, for a period of two days per year, the training that the Course Committee deems necessary for the fulfilment of its task. Members of the staff section of the Course Committee are given the opportunity to receive this training during working hours, at full pay.

CHAPTER V

ELECTIONS AND MEMBERSHIP

Article 5.1 - Organisation of elections

1. Elections of members of the Representative Council, the Academy Councils and the Course Committees are organised under the responsibility of the Executive Board in consultation with the Representative Council.
2. To this end, the Executive Board, in consultation with the Representative Council, will appoint an Elections Committee of four members on a proposal from the Representative Council.
3. The tasks of the Elections Committee consist of carrying out all necessary activities on behalf of the Representative Council to guarantee free and secret elections.

Article 5.2 - The right to vote and to stand for election

1. Students and staff of the University are entitled to vote with regard to the organisational unit of which they form part.
2. Students and staff of the University are eligible as members of the Representative Council, the Academy Council and the Course Committee with regard to the organisational unit of which they form part.

Article 5.3 - Determining election period

The Executive Board determines the period of the elections in consultation with the Representative Council. The Executive Board and the management committees of the organisational units will inform the students and staff at least eight weeks before the start of the elections when they will be held. They will also announce that students and staff can stand for election to the Representative Council, their Academy Council and their Course Committee.

Article 5.4 - Application

1. Candidates for the Representative Council, the Academy Councils and the Course Committees can apply in writing or electronically to the Elections Committee at least three weeks before the start of the elections.
2. The application must in any event state whether the candidate is standing for election to the Representative Council and/or the Academy Council and/or the Course Committee, and must include a written or electronic statement that, if elected, the candidate will accept a seat on the Representative Council, the Academy Council or the Course Committee.
3. The Elections Committee investigates as soon as possible whether the candidate meets the requirements of the Student-staff participation Regulations.
4. The Elections Committee will declare an application invalid if it fails to meet the requirements referred to in the previous paragraph and will immediately inform the candidate concerned thereof in writing or electronically, stating the reasons. The candidate will be given the opportunity to rectify the failure within four working days.

Article 5.5 - Electoral list

1. The Elections Committee draws up two electoral lists for each organisational unit: one for students and one for staff. The names of the candidates on the electoral lists are listed in alphabetical order. For each candidate, it is stated what their role is within the University or

which course they are following, as well as whether the candidate stands for election to the Representative Council, the Academy Council or the Course Committee.

2. The Executive Board, staff and students are informed of the electoral lists by the Elections Committee no later than two weeks prior to the election date.

Article 5.6 - As many candidates as seats or fewer candidates than seats

1. If there are as many candidates for the number of seats intended for students and members of staff respectively as there are seats on the Representative Council, the Academy Council or the Course Committee to be filled by students and members of staff respectively, no elections will be held for students or staff members, and the nominated candidates will be deemed to have been elected.
2. If there are fewer candidates for the number of seats intended for students and members of staff respectively than there are seats on the Academy Council or the Course Committee to be filled by students and members of staff respectively, the Elections Committee will request the management committee of the organisational unit or the head of the course or degree programme concerned to approach suitable students or members of staff at their discretion with the request to notify the Elections Committee no later than three days before the start of the student-staff participation elections that they wish to stand for election. If in that case there still are fewer candidates for the number of seats intended for students and members of staff respectively than there are seats on the Academy Council or the Course Committee to be filled by students and members of staff respectively, the remaining seats intended for students and staff members respectively will remain unoccupied, subject to the provisions of Article 5.11 of these regulations.
3. If there are fewer candidates for the number of seats intended for students and members of staff respectively than there are seats on the Representative Council to be filled by students and members of staff respectively, the remaining seats intended for students and staff members respectively will remain unoccupied, subject to the provisions of Article 5.11 of these regulations.

Article 5.7 - Voting

1. Members of the Representative Council, the Academy Councils and the Course Committees are elected by secret ballot.
2. Each elector may cast no more than one vote for the Representative Council, no more than one for the Academy Council and no more than one for the Course Committee.
3. Every elector can cast a vote on behalf of a maximum of two other electors, provided that they have been demonstrably and undeniably authorised to do so by these persons and the elections take place in writing.
4. A person who has put themselves forward as a candidate for the Representative Council and/or a Academy Council and/or a Course Committee will always cast their vote in person and cannot authorise a third party to do so.

Article 5.8 - Voting in writing or electronically

1. Elections may be held by secret written ballot or secret electronic ballot.
2. The Executive Board will decide in good time whether the elections will take place in writing or electronically and request the Representative Council's advice on this before the decision is taken.
3. When elections are held electronically, each elector casts their vote through the University's network on the website on which the elections are held.

Article 5.9 - Determination and publication

1. After the end of the vote, the Elections Committee determines the number of valid votes cast for each candidate.
2. In the event of written elections, a ballot paper will be invalid if:
 - a. it has not been authenticated by or on behalf of the Elections Committee;
 - b. it does not clearly show the elector's choice;
 - c. more than one vote has been cast on it for the Representative Council, the Academy Council or the Course Committee; and/or
 - d. it contains notes other than the designation of the chosen candidate.
3. The candidates elected are those who have successively received the highest number of votes. If there are more candidates who have received an equal number of votes for the last seat(s) to be occupied, the Elections Committee will draw lots to determine which of them is to be deemed elected.
4. The results of the elections and the drawing of lots are communicated by the Elections Committee to the Executive Board, the staff and the students in their entirety.
5. The ballot papers used are kept by the Elections Committee in a closed envelope for at least three months.

Article 5.10 - Commencement and termination of membership

1. Membership of the Representative Council, a Academy Council or a Course Committee commences the day after the results of the elections have been determined or the members have been appointed.
2. Membership of the Representative Council, a Academy Council or a Course Committee will end:
 - a. by expiry of the term of office as referred to in Article 2.4(1), Article 3.4(1) or Article 4.4(1) of these regulations;
 - b. by terminating the registration as a student or the employment contract with the University;
 - c. by resigning as a member;
 - d. by a reasoned decision of the Representative Council, the Academy Council or the Course Committee if a member of the Representative Council, Academy Council or the Course Committee seriously fails to perform the duties associated with their membership. The reasoned decision must be taken by a majority of at least two thirds of the members in office, with the exception of the member concerned, and only after the member concerned has been informed of the intention in writing and given an opportunity to express their views;
 - e. by a transfer to an organisational unit other than the one for which they were elected.

Article 5.11 - Interim vacancy

1. A seat on the Representative Council, the Academy Council or the Course Committee will become vacant in the interim if the member's membership has ended, as referred to in Article 5.10(2)(b-e) of these Regulations.
2. In the event of an interim vacancy on the Representative Council, the Academy Council or the Course Committee, the Representative Council, the Academy Council or the Course Committee will appoint the candidate who, according to the most recent elections, is the most eligible as successor to the resigning member for the remainder of the term of office. If there are more candidates with an equal number of votes for the vacancy, the Elections Committee will draw lots to determine which of them is deemed elected. The lots will be drawn in public. The succession procedure will start within six weeks after the vacancy has arisen.

3. If, in the event of an interim vacancy in the Representative Council, the Academy Council or the Course Committee, there is no candidate who, according to the most recent elections, is eligible, by-elections may be held upon a decision of the Representative Council, the Academy Council or the Course Committee. If the Representative Council, the Academy Council or the Course Committee does not decide to hold by-elections, the vacancy will not be filled, subject to the provisions of paragraph 5.
4. If in by-elections there are as many candidates as there are seats on the Representative Council, the Academy Council or the Course Committee to be filled by students and members of staff respectively, no elections will be held for students or staff members, and the nominated candidates will be deemed to have been elected.
5. As soon as the Representative Council is composed of fewer than nine people, new elections will be announced and held for the entire Representative Council. As soon as a Academy Council or a Course Committee consists of fewer than two members, new elections will be announced and held for the entire Academy Council or Course Committee.

Article 5.12 - Objection

1. Under Article 15(4) of the Governance and Management Regulations, any interested party may lodge an objection with the Executive Board against a decision taken under the responsibility of the Executive Board in connection with the provisions of this chapter.
2. The Executive Board will decide on the objection as soon as possible and will make the necessary arrangements.
3. The Executive Board will inform the Representative Council of the objection and its decision on the objection.

Article 5.13 - Transitional arrangement

Members of the Representative Council, a Academy Council or a Course Committee who, according to the Student-staff participation Regulations adopted by the Executive Board on 26 August 2014 and applicable until these regulations come into force, could not be re-elected, may be elected for another consecutive term under these regulations.

CHAPTER VI

COMMITTEES

Article 6.1 - Institution

The staff and students may, if they so wish, set up a staff committee or separate committees for different staff categories or groups, and a student committee within the meaning of Section 10.34 of the WHW. Staff and students may also set up joint committees.

Article 6.2 - Configuration

A committee consists of staff and/or students and has no more than three members.

Article 6.3 - General powers

1. The committee is authorised to offer advice to the Representative Council or a Academy Council, upon request or of its own accord, about the issues that specifically concern the relevant committee.
2. At the request of the committee, the Representative Council will notify the Executive Board, the Academy Council, the management committee of the organisational unit or the head of the course or degree programme of a written recommendation as referred to in the first paragraph. The Executive Board, the management committee of the organisational unit or the head of the course or degree programme will submit a written reasoned response to the Representative Council or the Academy Council with regard to such a written recommendation within twelve weeks. Before issuing the response referred to in the previous sentence, the Executive Board, the management committee of the organisational unit or the head of the course or degree programme will give the Representative Council or the Academy Council respectively at least one opportunity to discuss the proposal with the Executive Board, the management committee of the organisational unit or the head of the course or degree programme.

CHAPTER VII

CONFLICT RESOLUTION

Article 7.1 - Striving for consensus

The Executive Board, the management committees and/or heads, on the one hand, and the Representative Council, the Academy Councils, the Course Committees and any other committees, on the other, will make every effort to resolve disputes by agreement, in accordance with the principles and objectives of student-staff participation within the University. To this end, consultations will be held at the most appropriate level.

Article 7.2 - Disputes committee

The University is affiliated to a disputes committee within the meaning of Section 10.26(1) of the WHW, namely the *Landelijke Commissie voor Geschillen medezeggenschap Hoger Onderwijs* (National Commission for Disputes concerning Student-staff participation in Higher Education) in Utrecht.

Article 7.3 - Powers of the Executive Board

The Executive Board may bring a dispute before the disputes committee as referred to in Article 7.2 of these Regulations:

1. if the Executive Board has not obtained the required consent with regard to a decision, whether or not amended, to be taken after consultation, which requires consent under Sections 10.20 and 10.22(a) of the WHW, and the Executive Board wishes to maintain its proposal;
2. if the Executive Board has not obtained the required consent in whole or in part with respect to the content of the Student-staff participation Regulations, insofar as specified in Section 10.22 of the WHW; or
3. if the Executive Board and the Representative Council disagree about the interpretation of the provisions of Chapter 10, Title 3 of the WHW or the provisions of the Student-staff participation Regulations.

Article 7.4 - Powers of Representative Council, Academy Councils and Course Committees

The Representative Council, the Academy Councils and the Course Committees may bring a dispute before the disputes committee referred to in Article 7.2 of these regulations:

1. if the Executive Board, the management committee of an organisational unit or the head of a course or degree programme has taken a decision on which, under Section 10.22(b) of the WHW, the student-staff participation body has issued advice, the Executive Board, the management committee or the head of a course or degree programme does not follow the advice given or does not follow it in full, and the student-staff participation body is of the opinion that the interests of the University or the interests of the student-staff participation body are seriously harmed as a result;
2. if the Executive Board has not obtained the required consent in whole or in part with respect to the content of the Student-staff participation Regulations, insofar as specified in Section 10.22 of the WHW; or
3. if the Executive Board and the student-staff participation body disagree about the interpretation of the provisions of Chapter 10, Title 3 of the WHW or the provisions of the Student-staff participation Regulations.

CHAPTER VIII

FINAL PROVISIONS

Article 8.1 - Entry into force and expiry

1. These Student-staff participation Regulations enter into force on 1 July 2018, ¹
2. As from the date of entry into force, the Student-staff participation Regulations will supersede all previous Student-staff participation Regulations in force at the University, as well as those based thereon.

Article 8.2 - Transitional provisions

Members of student-staff participation bodies of the University whose term of office has not yet expired at the time the Student-staff participation Regulations enter into force complete their term of office subject to the provisions of the present Student-staff participation Regulations.

Article 8.3 - Evaluation of participation

The Executive Board evaluates student-staff participation within the University at least once every two years after the adoption of the Student-staff participation Regulations. To this end, consultations will be held with the Representative Council and the Academy Councils.

Article 8.4 - Adopting and amending Student-staff participation Regulations

1. The Student-staff participation Regulations are adopted and, if necessary, amended by the Executive Board.
2. Before adopting or amending the Student-staff participation Regulations, the Executive Board will make a proposal to the Representative Council. The Executive Board will not adopt a decision until two thirds of the members of the Representative Council have agreed to the proposal.

Article 8.5 - Citation title

These regulations may be cited as the Student-staff participation Regulations.

¹ Subject to adoption by and the consent of the competent bodies.