



# **Regulations for the University Council**

## **Article 1 – *Notions***

1. These regulations understand by:
  - a. Law: the Act on higher education and academic research;
  - b. university: the Protestant Theological University;
  - c. staff: staff employed by the university, independent of the size of the position;
  - d. the council: the university council;
  - e. section: staff and student members of the council respectively;
  - f. term of session: the meeting period of the council, starting on 1 September of any year and terminating on 31 August of the following year;
  - g. MR: Management Regulations.
2. Other notions in these regulations are understood in terms of the MR or the Law respectively.

## **Article 2 – *Composition* [MR art. 6.2 sub 1 and 2]**

1. The council consists of ten members.
2. The council consists of five members elected from and by the staff and five members elected from and by the students.
3. The meetings of the council may be presided over by an external president, who has no voting rights and who is not a member of the council.

## **Article 3 – *Terms of session***

1. The members of the staff and student sections are elected for a period of two years.
2. The member who fills a vacancy during a term of session, steps down on the date when the person who he or she has replaced, should have stepped down.
3. For the period after a term of session without results of new elections, the resigning members retain their membership awaiting the results.
4. Resigning members of the council are forthwith eligible for a new term.
5. Membership of the council ends by:
  - a. termination of the term of session, as understood under 1;
  - b. cancellation of membership by the member;
  - c. leaving the section from which the member was elected.

## **Article 4 – *President* [MR art. 6.2 sub 5]**

1. The president is elected for a period of one year, whether or not from among the members of the council. If the president is not elected from among the members of the council, the number of members of the council is increased to eleven.
2. The president is forthwith eligible for re-election after the end of his term.

## **Article 5 – Secretary**

The council is assisted by a secretary, who is elected from and by the members of the council, from the other section than the one from which the president has been elected. The function of the secretary may be combined with that of deputy president.

## **Article 6 – Deputy president [MR art. 6.2 sub 5]**

The council elects a deputy president, who is elected from and by the members of the council, from the other section than the one from which the president has been elected. The function of the deputy president may be combined with that of the secretary.

## **Article 7 – Election regulations [MR art. 6.2 sub 11]**

The election of members of the council is held in accordance with the regulations of the University Council Election Regulations, which forms part of these regulations as an appendix.

## **Article 8 – Consultation**

1. The Executive Board and the council consult with each other with respect to matters of the university for which either the Executive Board or a section of the council or at least five members of the council feel the need for consultation, or about matters for which consultation between Board and council is required on the basis of these regulations or the law.
2. Consultation takes place in a meeting of the council or, based on a decision of the council, in a meeting of a committee of the council.
3. The Supervisory Board consults with the university council at least twice a year.

## **Article 9 – Initiative [MR art. 6.3 sub 1]**

1. If the council makes a proposal to the Executive Board, the Executive Board gives a motivated reaction in writing to the council within three months, by expressing the intention of their decision.
2. Before making a decision as understood sub 1, the executive Board consults with the council.
3. Consultation of the Executive Board and the council may result in a different agreement.
4. A reaction of the Executive Board as understood sub 1, is bound by the council's authority for approval and advice in so far as these have been assigned to the council by law, by the MR or by these regulations.

## **Article 10 – *Point of view* [MR art 6.3 sub 1]**

If the council proposes a point of view to the Executive Board, the Board reacts in writing to the council within three months, unless agreed otherwise.

## **Article 11 – *Approval regulation of facilities* [MR art. 6.8]**

Without prejudice to what has been determined with respect to authorities for approval in Article 6.4 of the MR, the Executive Board needs to obtain the council's approval prior to any decision by the Executive Board relating to the regulation of facilities participation and co-determination as intended in Article 27.

## **Article 12 – *Procedure for approval or withholding approval* [MR art. 6.4]**

1. With respect to a proposed decision of the Executive Board requiring the approval of the council, the council discusses the proposed decision within six weeks of receipt.
2. The council decides on granting approval in that meeting or within four weeks later.
3. A different term may be agreed in the consultations between the Executive Board and the council.
4. If the council does not reach a decision within the terms specified sub 2 or 3, the requested approval is deemed to have been granted.

## **Article 13 – *Approval* [MR art. 6.4 and MR art. 6.6]**

1. The Executive Board needs the approval of the university council prior to any decision of the Executive Board in relation to determining or amending any instance of:
  - a. the institution plan as intended in Article 3.6-b MR;
  - b. the design of the system of quality control in accordance with Article 3.6-f MR and 3.6-g MR, as well as proposed policies in the light of the results of quality assessment, as intended in Article 2.9-2 second sentence of the law;
  - c. The curriculum and exam regulations of the various educational trajectories of the university;
  - d. The student regulations as intended in Article 8.4 MR;
  - e. The management regulations as intended in Article 1.1 MR;
  - f. The complaints and objection regulations as intended in Article 3.6 sub 1 letter o of the MR;
  - g. rules relating to working conditions;
  - h. the university council regulations;
  - i. policies of the institution's Board in applying Article 7.51 of the law, and the rules as intended sub 4 of that Article.

2. The Executive Board needs approval from the section of the university council that was elected from and by the staff, prior to any decision in relation to matters of general significance for the special legislation in force of the university staff.
3. If on the basis of sub 2 the Executive Board needs the approval from the section of the university that was elected from and by the staff prior to making a decision, the section of the council that was elected from and by the students will be given the opportunity to advise with respect to the decision.

## **Article 14 – Advice [MR art. 6.4a]**

1. The Executive Board requests the advice of the council for any decision to be made by the Executive Board relating to matters concerning the continuation and proper state of affairs within the university, such as:
  - a. Changes in the identity of the university;
  - b. Termination, significant reduction or expansion of the activities of the university or of one of its important components, or determination or changes in relevant policy concerning this;
  - c. Transfer or transformation of the university or one of its components, respectively merger of the university with another educational institution, or determination or changes in relevant policy concerning this;
  - d. Entering into, terminating or significantly changing lasting cooperation with another institution, or determination or changes in relevant policy concerning this;
  - e. Introducing or terminating an educational concept, or determination or changes in relevant policy concerning this;
  - f. Establishing or changing the university's policy with respect to its organization;
  - g. The university's budget, which should amongst others reflect the height of the institution's tuition fees.
2. The Executive Board requests the advice from the section of the university council elected from and by the students prior to any decision to be made by the Executive Board in relation to:
  - a. General staffing and appointment policies, unless Article 9.36 sub 2 of the law applies, and
  - b. The policy regarding the institution's tuition fees, as intended in Article 7.46 of the law
  - c. The arrangements of the Executive Board with regard to reimbursement of the legal tuition fees, as intended in Article 7.48 sub 4 of the law.
3. The supervisory council grants the university council the opportunity to advise on the profiles, as intended in Article 9.7, sub 4 of the law.

## **Article 15 – Advice procedure [MR art. 6.5]**

1. A proposed decision of the Executive Board that is submitted to the council for advice, will be treated in a meeting of the council within six weeks following receipt.
2. The council lays down its advice in that meeting or within four weeks later.
3. In consultation with the Executive Board and the council a different term may be agreed.

4. If the council has not laid down its advice within the term specified sub 2 or 3, the Executive Board is authorized to make a definitive decision.
5. The council may entrust the establishment of advice to a committee of its members.

### **Article 16 – *Deviation from advice* [MR art. 6.5]**

If the Executive Board intends not to accept the council's advice in whole or in part, it reports its reasons in writing to the council as soon as possible, accompanied by a proposal for consultation on a date at least fourteen days after receipt of the report.

### **Article 17 – *Special authorization* [MR art. 6.6]**

The university council makes a nomination for appointment of one of the members of the supervisory council in accordance with Article 2.2, sub 3 of the Management Regulations.

### **Article 18 – *Safety, health and well-being in the university***

1. The staffing section of the council is entrusted with the authority relating to safety, health and well-being in the university, as intended in the working conditions act and in the established working conditions for educational institutions, under which a work council:
  - a. is given the opportunity to express its opinion or to be heard<sup>1</sup>;
  - b. has the right to request the Inspection and Information Office of the Ministry of Social Affairs and Employment that the working conditions act be applied ;
  - c. has the right to raise an objection relating to a request for exemption, as intended in Article 41 Working Conditions Act with the Inspection and Information Office of the Ministry of Social Affairs and Employment.
2. Prior to a decision of the staffing section on the use of an authority as intended sub 1, the student section is given the opportunity to express its views in a meeting of the full council.

### **Article 19 – *Controversies* [MR 6.10]**

Controversies between the Executive Board and the council are submitted to the committee for controversies relating to participation and co-determination, as intended in Article 9.39 of the law.

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<sup>1</sup> This concerns consultation relating to work policy and if appropriate, annual planning, policies relating to sick-leave, the choice of a work service, evaluation of periodical work-related medical investigation

## **Article 20 – *Matters of legal position* [MR art. 6.6]**

The right of approval or advice in matters as intended sub 2 and sub 3 of Article 13 of these regulations is not exercised, if the matter at hand has already been regulated for the university in a legislated prescript or a collective employment contract.

## **Article 21 – *Non-discrimination* [MR art. 6.3 sub 4]**

On the basis of its general task with respect to non-discrimination within the university, the council has the authority to submit a written request to the Equal Rights Commission, so as to investigate if a distinction is being made as intended in the General Equal Rights Act, the Equal Rights for Men and Women Act or Article 7:646 of the Civil Code, and to express a view on this.

## **Article 22 – *Meetings***

1. The council meets at least four times a year, and furthermore within two weeks after a motivated request by the council or the Executive Board. In these meetings matters relating to the university are discussed which are considered appropriate for discussion by either the Executive Board or the council, or which require discussion between the Executive Board and the council on the basis of the terms of these regulations and/or the Management Regulations.
2. The agenda, time and place of the meeting are established in joint consultation of the Executive Board and the president and secretary of the council, and communicated to the members of the council by or on behalf of the president, preferably two weeks but at least one week in advance.
3. The secretary will provide a draft of the minutes of the meeting to the council and the Executive Board within two weeks after the meeting. The minutes are submitted for approval in the subsequent meeting.
4. The council decides by majority vote. Decisions can only be made if more than half of the members are present at the meeting.

## **Article 23 – *Public Access***

1. The meetings of the council are open to the public, unless
  - a. The discussion concerns individuals;
  - b. The council decides otherwise by a motivated decision.
2. The president and members of the council are bound by confidentiality with respect to information obtained in meetings that are not publicly accessible, unless the council decides to lift confidentiality. Individuals who attend the deliberations by invitation are bound by the same obligation.

## **Article 24 – Committees**

1. The council may set up a committee from amongst its members whose task it is to advise the council.
2. In the rules of procedure the composition and working method of the committees is specified.

## **Article 25 – Rules of Procedure**

The council established its working method and the procedures of its meetings in Rules of Procedure, taking into account what has been provided for in these regulations. The Rules of Procedure at least specify the convocation of meetings, establishing the agenda, the voting procedure, decision making and reporting.

## **Article 26 – Annual Report [MR art. 6.3 sub 11]**

At the end of its term of session the council produces a written report of its activities and submits this to the Executive Board.

## **Article 27 – Information [MR art. 6.3 sub 5 and 6.9 sub 3]**

1. The Executive Board provides the council at the start of its term of session with a survey of policy issues to be discussed with the council.
2. The Executive Board is responsible for timely feedback to the council on progress related to the policy issues sub 1.
3. In any case the Executive Board provides the council with information required for its proper functioning, either by request or of its own accord.
4. The council is at least given the following documents for discussion:
  - a. The annual report of the university;
  - b. The annual financial statement of the university with the accompanying accountant's audit report;
  - c. Accreditation reports, if any, relating to education and research;
  - d. Periodical reports on progress of projects related to policy issues as intended sub 1.

## **Article 28 – Facilities**

1. The Executive Board facilitates the council and its individual members to carry out appropriately the tasks intended in the law and described in the Management Regulations and these regulations.
2. The Executive Board established regulations for facilities for the council and its members, detailing at least the following:
  - a. Extraordinary leave, concerning members from the staff section;
  - b. Educational facilities, concerning members from the student section;



- c. Flat-rate financial compensation, concerning both staff and student sections;
  - d. training and education;
  - e. administrative support and meeting room facility;
  - f. the council's budget.
- 3. The council determines the division of the budget sub 2f annually.
  - 4. The council is authorized to attract external legal expertise for legal acts and claims as intended in Article 6.11 sub 1 of the Management Regulations.

## **Article 29 – Final stipulation**

These regulations and adaptations of these regulations are operative from the date when the decision of the Executive Board has been established and conveyed to the council.

Established and conveyed to the council on 28 April 2011

Adapted and conveyed to the council on 18 October 2011

Adapted and conveyed to the council on 25 September 2013

**Enacted by the Executive Board on 3 July 2015**

### *DISCLAIMER*

*Although every care has been taken to translate the texts of the Dutch regulations accurately, the original texts in Dutch are binding in case of differences in interpretation*