



REGULATION FOR THE UNIVERSITY REPRESENTATIVE COUNCIL OF THE THEOLOGICAL UNIVERSITY OF KAMPEN*

Article 1 - Definition of terms

1. In this regulation the following terms should be understood to have the meaning indicated:
 - a. **Act**: the Higher Education and Research Act (WHW);
 - b. **university**: the Theological University of Kampen;
 - c. **staff**: the staff in service of the university (as indicated in Article 7.610f. of the Civil Act), this irrespective of the scope of the employment;
 - d. **the council**: the University Representative Council;
 - e. **contingent**: the staff members or, respectively, the student members of the council;
 - f. **session period**: the period in which the council is in session, commencing on 1 September of any year and concluding on 31 August of the following year;
2. The remaining terms occurring in this regulation have the meaning as indicated by the Act.

Article 2 - Composition

1. The number of council members is six.
2. The council consists of three members who are elected by and from the staff and three members who are elected by and from the students.
3. The staff contingent comprises two representatives of the academic staff and one representative of the supportive staff.
4. Members of the Board of Directors or the Supervisory Board may not also be a member of the council.
5. The council meetings may be chaired by an external Chair, who is not a member of the council and has no right of vote.

Article 3 - Terms of session

1. The members of the council are elected for a term of two years.
2. At the initial institution of the council, half of the council is chosen for a period of three years.
3. The member filling a premature vacant position, resigns at the time at which the person in whose place he or she has been chosen, is due to resign.
4. For the time that no election results have been determined at the end of a session period, the resigning members will remain in session, awaiting the results.
5. Resigning members of the council are immediately re-eligible for a new term.
6. The council membership is terminated by:
 - a. the conclusion of the term of session, as meant in the first or second paragraph;
 - b. resignation of membership by the member;
 - c. leaving the contingent from which the member has been elected.

Article 4 - Chair

1. The chair of the council is elected for a period of one year, from among the council members or externally. If the chair is not elected from among the council members, the number of council members is seven.

2. The chair is immediately re-eligible at the completion of his or her term of session.

Article 5 - Secretary

The council is assisted by a secretary, who is chosen from the council members, from the other contingent than that from which the chair has been elected. The function of secretary is reconcilable with that of vice-chair.

Article 6 - Vice-chair

The council elects a vice-chair, who is elected by and from the council members, from the other contingent than that from which the chair has been elected. The functions of vice-chair and secretary are reconcilable.

Article 7 - Election Regulation

The election of the members of the council occurs according to the provisions of the Election Regulation University Representative Council, which is included in this regulation in the form of an attachment.

Article 8 – Consultation

1. The Board of Directors and the council conduct consultations concerning university matters of which either the Board of Directors, or a contingent, or at least three council members, consider consultation desirable, or of which this regulation or the Act concludes or indicates that consultation between the Board of Directors and the council must take place.
2. The consultation takes place at a council meeting or, in pursuance of a council decision, at a council committee meeting.

Article 9 - Initiative

1. If the council puts a proposal to the Board of Directors, the Board of Directors, within six weeks, provides a written, well-reasoned response to the council, in the form of a resolution for a decision to be taken by the Board of Directors.
2. With respect to a response by the Board of Directors as indicated in the first paragraph, approval and recommendation powers apply in so far as these have been awarded to the council by the Act or by this regulation.

Article 10 – Point of view

If the council presents a point of view to the Board of Directors, the latter will provide the council with a written response within six weeks, unless otherwise agreed.

Article 11 – Approval

1. The Board of Directors requires the preceding approval of the University Representative Council for every decision to be taken by the Board of Directors concerning the determination or modification of, in any case (Article 9.33 of the Act):
 - a. the institution plan, as indicated in Article 2.2 of the Act;
 - b. the design of the system of quality control, in accordance with Article 1.18 of the Act, first paragraph, as well as the planned policy in the light of the outcomes of the quality assessment, indicated in Article 2.9, second paragraph second sentence of the Act;
 - c. the Student Charter, as indicated in Article 7.59 of the Act;
 - d. the management and supervision regulations, indicated in Article 9.4 of the Act;
 - e. rules in the area of work conditions;
 - f. the choice of co-administration systems, indicated in Article 9.30 of the Act, first paragraph; and
 - g. the policy of the institution's management when applying Article 7.51 of the Act, and the rules indicated in the fourth paragraph of that Article.
2. The Board of Directors also requires the preceding approval of the University Representative

Council concerning the outlines of the annual budget, as referred to in Article 2.8 of the Act. The right of approval is not exercised, in so far as a component of the budget is concerned that has already been regulated in a provision by or in pursuance of the Act.

3. The Board of Directors requires the preceding approval of the University Representative Council staff contingent for every decision to be taken by the Board of Directors concerning matters in the general interest of the legal position of the university staff. This right of approval is not exercised in so far as the matter concerned has already been regulated for the university in a provision by or in pursuance of the Act or in a collective labour agreement. The right of approval is also not exercised, in so far co-administration regarding the matter concerned has been already exercised in another manner.

Article 12 - Procedure approval or abstention of approval

1. Concerning a proposed decision by the Board of Directors requiring the approval of the council, the council will consult within six weeks after receipt of that proposed decision.
2. The council decides at that meeting, or within the four weeks following, concerning the granting of approval.
3. In the consultation between the Board of Directors and the council, a different term can be agreed upon
4. If the council has not decided within the term mentioned in the second paragraph or in pursuance of the term agreed upon in the third paragraph, it will be assumed that the requested approval has been granted.

Article 13 - Recommendation

1. The Board of Directors submits to the council, for the council's recommendation, in any case, every decision to be taken by the Board of Directors concerning:
 - a. matters regarding the continued existence and good practice within the university, namely:
 - i. modification of the foundations or mission of the university;
 - ii. termination, significant reduction or extension of the university activities or of an important component thereof, or determination or modification of the policy concerned;
 - iii. transference or conversion of the university or of a component thereof, respectively the merging of the university with another education institution, or determination or modification of the policy concerned;
 - iv. initiation, breaking off or significant modification of a durable collaboration with another institution, or determination or modification of the policy concerned;
 - v. the setting-up or termination of an educational concept, or determination or modification of the policy concerned;
 - vi. determination or modification of the policy concerning the organisation of the university;
 - b. the budget, in which, among others, the height of the institution tuition fees and that of the tuition fees, as referred to in article 6.7, paragraph 1, and Article 6.8, first paragraph, are determined.
2. The Board of Directors requests the advice of the contingent of the University Representative Council comprising and elected by students, for each decision to be taken by the Board of Directors, in any case with regard to:
 - a. the general staff and appointment policy, unless Article 9.36, second paragraph of the Act applies,
 - b. the policy with respect to the institution tuition fees, as referred to in Article 7.46 and the tuition fees, as referred to in Article 6.7, first paragraph of the Act
 - c. the regulation of the institution management with respect to reimbursement of statutory tuition fees, as referred to in Article 7.48, fourth paragraph of the Act,
 - d. the regulation determined by the institution management for the selection criteria and the selection procedure as referred to in Article 6.7a, first paragraph, under b, and, respectively, Article 7.26, 7.26a and 7.53, third paragraph, and as far as the selection

- procedure is concerned, Article 7.30b, second paragraph of the Act,
- e. the regulation determined by the institution management for the criteria and procedure for dispensation of payment of the higher tuition fees, as referred to in Article 6.7a, first paragraph, under c of the Act, and
 - f. the rules determined by the institution management regarding the selection, referred to in Article 7.9b, first paragraph of the Act,
 - g. the rules determined by the institution management regarding the study choice recommendations and study choice activities, as referred to in Article 7.31b, fourth paragraph of the Act.
3. The introductory sentence of the first paragraph applies similarly to:
- a. a proposed decision by the Supervisory Board, as referred to in Article 9.8, first paragraph, under a, of the Act, with regard to the appointment or dismissal of members of the Board of Directors;
 - b. a proposed decision by the Supervisory Board, as referred to in Article 9.3, third paragraph, and 9.7, fourth paragraph of the Act, with regard to the profiles for the appointment of members of the Board of Directors or, respectively, the Supervisory Board.

Article 14 - Procedure of recommendation

1. A decision to be taken by the Board of Directors that is presented to the council for its recommendation, will be dealt with within six weeks after receipt of the request for recommendation in a council meeting.
2. The council's recommendation will be determined at that meeting or within four weeks following.
3. In consultation between the Board of Directors and the council, a different term can be agreed upon.
4. If the council has not given its recommendation within the term indicated in the second paragraph, or in pursuance of the third paragraph, the Board of Directors is authorized to make a definite decision.
5. The council can delegate the determination of a recommendation to a committee from among its midst.

Article 15 - Deviation from recommendation

If the Board of Directors does not, or only partly, intends to follow the council's recommendation, the Board of Directors will notify the council of this in writing and well-reasoned, as soon as possible, accompanied by a proposal for consultation at a time at least fourteen days after receipt of this notification.

Article 16 - Safety, health and well-being at the university

1. The staff contingent of the council has authority concerning safety, health and well-being at the university, as indicated in the *Arbeidsomstandighedenwet* (Working Conditions Act) and the *Arbeidsomstandighedenbesluit Onderwijs* (Working Conditions Decree for Education), in pursuance of which the council:
 - a. is given the opportunity to present its point of view or to be heard¹;
 - b. has the right to place a request of application of the Working Conditions Act to the Inspectorate or Public Information Service of the Ministry of Social Affairs and Employment;
 - c. has the right to submit an objection concerning a request of dispensation, such as indicated in Article 41 of the Working Conditions Act, to the Inspectorate or Public Information Service of the Ministry of Social Affairs and Employment.

¹ This concerns consultation concerning *Arbobeleid* (Work and safety policy) and possibly the *Arbojaarplan* (Annual Work Plan), concerning the policy on sickness absence, on the choice of *Arbodienst* (Occupational Health and Safety Service), and on evaluation of periodic medical examinations at work.

2. The student contingent is given the opportunity, in a meeting of the full Council, to, before the staff section takes a decision concerning the use of an authority as indicated in the first paragraph, to bring forward its opinion on the matter.

Article 17 – Disputes and appeal

1. Disputes between the Board of Directors and the council are presented to the national Disputes, Committee for co-administration Higher Education as referred to in Article 9.39 of the Act, in as far as the dispute cannot, in accordance with Article 9.40, second paragraph, of the Act, be resolved by the Supervisory Board.
2. For the competences and procedure regarding disputes and the opportunity for appeal, Article 9.40 and Article 9.46 of the Act apply.

Article 18 – Matters concerning a legal position

The right of approval or right of recommendation in matters is not exercised in so far as the matter concerned has already been regulated for the university in a provision by, or in pursuance of, the Act or in a collective labour agreement (CAO).

Article 19 - Meetings

1. The contingents of the council can convene separately if it concerns matters regarding the staff, or the students, exclusively. If such a separate meeting takes place, the other section is informed about this by timely dispatch of the meeting agenda.
2. De members of the Board of Directors attend the meetings of the council, when the council or the Board of Directors desires it. The members of the Board of Directors may render a vote of recommendation at the meeting.
3. The council will meet at least twice a year, as well as within two weeks after the council or the Board of Directors has requested it in a reasoned manner. In these meetings, matters concerning the university are brought to the table upon which the Board of Directors, or the council members, desire consultation or of which this regulation or the Act indicates that consultation between the Board of Directors and the council must take place.
4. The agenda, time and place of the meeting is determined in mutual consultation between Board of Directors and chair and secretary of the council and made known to the members of the council, by or on behalf of the chair of the meeting, preferably two weeks, but at least a week in advance.
5. The draft report of the meeting is delivered to the council and the Board of Directors by the secretary of the meeting within two weeks after the meeting has been held. The definite report is determined in the following meeting.
6. The council decides by majority of votes. Decisions can only be taken if more than half of the number of residing members are present at the meeting

Article 20 – Public nature

1. The meetings of the council are held in public, unless
 - a. the meeting regards persons;
 - b. the council decides differently by motivated decision.
2. The chair and the members of the council are obliged to confidentiality of what has come to their notice in non-public deliberations, unless the council decides to lift the confidentiality obligation. Equal obligations rest on persons attending the deliberation on invitation.

Article 21 - Regulation of order

The council regulates its working method and the order of its meetings in a regulation of order, taking into account the provisions in this regulation. The regulation of order contains, in any case, rules for the manner of convening the council, the placing of items on the agenda, the voting procedure, the decision-making and the reports.

Article 22 - Annual report

Before conclusion of the session period, the council presents a written report of its activities to the Board of Directors and ensures that the report is open to inspection by all those involved with the university.

Article 23 – Information

1. At the start of the session period, the Board of Directors provides the council with an overview of the policy subjects, about which it wishes to consult with the council during that session period.
2. The Board of Directors ensures that the council is informed in a timely manner about the progress of the policy subjects indicated in the first paragraph.
3. Moreover, the Board of Directors provides the council, whether requested or not, with timely information necessary to perform their duties.
4. To the council the following documents, in any case, are presented for discussion:
 - a. the annual report of the university;
 - b. de annual accounts of de university with the corresponding accountant's report;
 - c. any visitation reports regarding education and research;
 - d. periodic reports on the progress of the projects concerning the policy subjects, as indicated in the first paragraph.

Article 24 - Facilities

1. The Board of Directors ensures that the council and the separate council members are given the opportunity to properly perform the tasks further specified in the Act.
2. The facilities necessary for the council to perform their tasks properly, will be further determined in consultation between the Board of Directors and the council. Facilities which can be discussed are:
 - a. special leave, in as far as members of the staff are concerned;
 - b. education and training;
 - c. administrative support and meeting rooms;
 - d. the budget for the council;
 - e. educational facilities for the student members, if necessary, and within reason.
3. Annually, the council determines the budget, referred to in the second paragraph under d.
4. The council is authorized to involve external legal assistance for initiating proceedings as mentioned in in Article 17.

Article 25 – Final provisions

This regulation as well as modifications of this regulation become effective as of the day on which the Board of Directors' decision concerning determination has been notified to the council.

Approved by the Board of Directors of the TUK on 11 September 2017

Professor R. Kuiper, chair
Drs de Jong, member

** This translation is for information purposes only. The original Dutch version is binding*