



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. **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 after 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 to be taken for and 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, subject to a different agreement having been made.

Article 11 - Approval

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 fifth paragraph of that Article.

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

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:

1. matters regarding the continued existence and good practice within the university, namely:
 - a. modification of the foundations or mission of the university;
 - b. suspension, significant reduction or extension of the university activities or of an important component thereof, or determination or modification of the policy concerned;
 - c. 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;
 - d. initiating, breaking off or significant modification of a durable collaboration with another institution, or determination or modification of the policy concerned;
 - e. the setting-up or suspension of an educational concept, or determination or modification of the policy concerned;
 - f. determination or modification of the policy concerning the organisation of the university;
2. the university budget.

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 take a definite decision.
5. The council can delegate the determination of a recommendation to a committee from among its members

Article 15 - Deviation from recommendation

If the Board of Directors does not, or only partly, intend 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 heard*;
 - 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. 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.
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

Disputes between the Board of Directors and the council, for which the Act does not provide a dispute regulation, are presented to the Committee for Disputes, as indicated in Article 9.39 of the Act in as far as the Committee for Disputes offers the possibility for this in its regulation in accordance with Article 9.40, second paragraph, of the Act.

Article 18 - Committee for Disputes

1. There is a Committee for Disputes concerning university co-administration matters.
2. the Committee for Disputes consists of three members and three deputy members, of which one member and one deputy member are appointed by the Board of Directors and one member and one deputy member by the University Representative Council. These two members elect the third member, who is chair, and his or her deputy. Members and deputies are appointed for a four year term and can be re-appointed contiguously only once.
3. The members and the deputy members may not be members of the Supervisory Board, the Board of Directors or the University Representative Council, neither may they practice the function of Programme Director or Programme coordinator.
4. For the competences of the Committee for Disputes, Articles 9.40 up to and including 9.45 of the Act apply.

Article 19 - Legal proceeding competences of the University Representative Council

1. The University Representative Council take legal action, if the proceedings are intended to effect the Board of Directors' observance of the obligations towards the University Representative Council, resulting from title 2 of Chapter 9 of the Act.
2. Contrary to Article 8:75 of the *Algemene Wet Bestuursrecht* (General Administrative Law Act), the council cannot be charged with the costs of proceedings.
3. The council acts at the request of a committee as indicated in Article 6.7, if the rights of that committee are specifically under discussion.

Article 20 - Matters concerning 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).

* 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.

Article 21 - 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 22 - Publicity

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 23 - 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 24 - 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 25 – 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, upon request or not, provides the council as soon as possible with the information reasoned 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. the annual accounts of the 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 26 - 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:
 - 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, indicated in the second paragraph under d.
4. The council is authorized to involve external legal assistance for initiating proceedings as mentioned in Article 19.

Article 27 – 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 13 January 2012

Professor M. te Velde,
President Board of Directors