REGULATIONS for the UNIVERSITY COUNCIL

of the

UNIVERSITY OF UTRECHT

Higher Education and Research Act [Wet op het Hoger Onderwijs en Wetenschappelijk Onderzoek] (hereinafter: WHW)

Article 9.31 WHW  University council
1. A university council shall be attached to a university.

[...]

Article 9.34 WHW  Regulations pertaining to the university council
1. The executive board shall, in compliance with the regulations set down by or pursuant to this Title, set down regulations for the university council.
2. The executive board shall submit the regulations, including any amendment thereto, as a proposal to the council, and shall not adopt the same until the proposal shall have won the approval of two thirds of the membership of the council.
3. The regulations shall, at least, provide for:
   a:  the matters with respect to which the council, without prejudice to Article 9.33, has power of consent,
   b:  the matters with respect to which the council, without prejudice to Article 9.33a, has advisory power,
   c:  the number of council members,
   d.  the manner and organisation of the elections of the council members,
   e.  the term of office of the council members,
   f.  the manner in which the executive board shall provide information to the council,
   g.  the timeframes within which a decision to approve or withhold consent shall be made, and the timeframes within which advice shall be issued,
   h.  the powers exercised by the faculty councils,
   i:  the assignment to that section of the council that has been elected from among and by the staff, of the powers pertaining to working conditions that have been assigned to the participation council by virtue of the Working Conditions Act [Arbeidsomstandighedenwet 1998] and the implementing regulation pursuant to Article 16 of that Act ,
   j.  the assignment to the council of a power similar to the one as referred to in Article 10, second paragraph, introduction and sub-section d, of the National Human Rights Institute Act [Wet College voor de rechten van de mens], whereby Article 21, second paragraph, of the Equal Treatment of Men and Women Act [Wet gelijke behandeling van mannen en vrouwen] shall apply mutatis mutandis,
   j1. the manner of substantiation of the power assigned to the council in Article 9.32, paragraph 2a, including the minimum period of time for inviting the executive board,
   k.  the assignment to the council or the section of the council that is elected from among and by the staff, of the powers pertaining to the working conditions in the university, insofar as these do not concern decisions to be taken by the executive board, referred to in Article 9.33 sub-section e, and
   l.  which of the disputes between the executive board and the council, for which no arbitration procedure has been set out in this Act, shall be submitted to the arbitration board, referred to in Article 9.39, who may take up the matter, and whether the arbitration board shall be requested to arbitrate or judge in the matter, insofar as the arbitration board offers a possibility to that effect in its regulations.
4. The regulations may stipulate, if such is conducive to a proper application of this Title, that one or more groups of persons associated with the university other than pursuant to an employment contract, or, as the case may be, other than pursuant to enrolment as a student or external student, shall be considered as staff members or students, respectively.

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§ 1 General terms

Article 1 Definitions
The terms below are used in these Regulations and defined as follows:

outlines of the annual budget: the interpretation presented to the University Council by the Executive Board and agreed upon by the University Council on 15 November 2015, which has been attached to these Regulations and constitutes a part thereof.

Council: the University Council

student: a person registered at the University of Utrecht for a bachelor’s or master’s programme within the meaning of article 7.3a, paragraph 1.

student delegation: council members elected by and from among the students

session: the Council’s annual session of meetings, starting on 1 September and ending on 31 August

staff: the UU Staff and the Staff of the Faculty of Medicine jointly

UU Staff:
- the academic staff employed by the University, assigned to the job families of Education and Research of the job categorisation system;
- all the staff employed by the University who do not belong to the academic staff (support and administrative staff), with the exception of student assistants in so far as they are also Students.

Medicine Staff: the staff employed by Utrecht University Medical Centre (UMC), who are charged to a substantial degree with tasks for the benefit of medical education and research at the University, including persons who are also on a zero-hours contract with Utrecht University.

PhD Scholarship Candidates: contracted PhD candidates who are preparing their thesis with an external stipend and who:
- are attached to the University for a period of more than two years; and
- as part of their PhD studies perform work at the University or the UMC Utrecht without there being an employment contract with the University or the UMC Utrecht; and
- do not have an employment contract with another employer; and
- are registered in the PhD candidate monitoring system of the University; and
- in the case of exercising their passive voting rights, have received permission from the external provider of the stipend

Staff Delegation: that part of the Council that is elected by and from among the Staff and the PhD Scholarship Candidates

Article 7.3a. WHW Bachelor’s and master’s programmes
1. Academic higher education comprises:
   a. bachelor’s programmes, and
   b. master’s programmes, as a follow-up to the bachelor’s programmes referred to under a.
   [...]

§ 2 Composition and term of office

Article 9.34 WHW Regulations pertaining to the university council
   [...]
  3. The regulations shall, at least, provide for:
   [...]
   c. the number of council members,
   d. the manner and organisation of the elections of the council members,
   e. the term of office of the council members,
   [...]

Article 9.31 WHW University council
   [...]
  2. The council shall have a maximum of twenty-four members.
  3. Half of the council shall be composed of members elected by and from among the staff, and the other half shall be composed of members elected by and from among the students.
4. Those who sit on the executive board or the supervisory board, or fulfil the position of Dean of a faculty, cannot also sit on the council.

[...]

Article 9.32 WHW

[...]

9. The executive board shall ensure vis-à-vis the council that the members of the council are not prejudiced in their position with respect to the university by virtue of their seat on that council. The first sentence shall apply mutatis mutandis with respect to candidate members and former members.

10. The termination of office of an employee of the university, other than upon his own request, shall not bear any relation to that person’s nomination for membership, membership, or former membership of the council. A termination of office in contravention of the provisions of this paragraph shall be void.

[...]

Article 2 Composition

1. The Council has twenty-four members.

2. The Council's members are elected in accordance with the provisions of the University Council's Electoral Regulations, which have been attached to these Regulations and constitute a part thereof.

Article 3 Term of office

1. The Council's staff delegation is elected for a term of office covering two sessions, while the student delegation is elected for a term of office covering one session.

2. A member who fulfils a prematurely vacant position must resign on the date that the member that is being replaced would have had to resign.

3. If the outcome of the elections has not been determined by the end of a session, the resigning members retain their membership pending the outcome.

4. Council membership ends upon:
   a. expiry of the term of office referred to in paragraph 1;
   b. a member's resignation;
   c. a member's departure from the delegation from which he was elected; or
   d. with regard to the Council's staff members: departure of the (sub)district referred to in the University Council's Electoral Regulations, in which the member was elected.

Article 9.31 WHW University council

[...]

8. The council shall elect, whether or not from among its ranks, a chair and one or more deputy chairs. The chair, or in the event of his absence, a deputy chair, shall represent the council in legal proceedings.

Article 4 Chairperson

The Council elects its chairperson for a term of office of two years. Upon completion of his term of office, the chairperson is immediately eligible for re-election.

§ 3 Powers and duties of the University Council

Article 9.32 WHW General powers and duties of the university council and the council members

1. At least twice per annum, the executive board shall afford the university council the opportunity to discuss the general course of affairs in the university with it. The executive board and the council shall meet if so requested, stating the reasons for doing so, by the executive board, the council, the section of the council elected from among and by the staff, or the section of the council elected from among and by the students.

2. The council shall be competent to submit proposals and present views to the executive board regarding all matters pertaining to the university. The executive board shall, within three months, submit a written, substantiated response to the council with respect to the proposals referred to in the first sentence, in the form of a proposal. Before proceeding to submit the
response referred to in the previous sentence, the executive board shall afford the council at least one opportunity to consult with it regarding its proposal.

2a. The council shall also be competent to invite the executive board, at least twice per annum, to discuss the intended policy on the basis of an agenda drawn up by it.

3. The council shall promote, to the best of its abilities, openness, transparency and mutual consultation in the university.

4. The council shall, furthermore, generally guard against discrimination in the university on whatever grounds, and promote in particular equal treatment of men and women, as well as the involvement of disabled or chronically ill persons, and non-native persons. The council regulations, referred to in Article 9.34, set out whether the council shall possess an authority similar to the one referred to in Article 10, second paragraph, introduction and sub-section d, of the National Human Rights Institute Act [Wet College voor de rechten van de mens]. […]

5. At the beginning of the academic year, the executive board shall provide the council, in writing, with the basic data regarding the composition of the executive board, the supervisory board, the organisation within the university and the main points of the policy already set down. At least once per annum, the executive board shall notify the council in writing of the policy it has pursued in the past year, and of the policy intentions for the following year with respect to the university in financial, organisational and educational terms. The executive board shall notify the council forthwith of intentions with respect to the matters outlined in the strategic plan.

6. Without prejudice to the fifth paragraph, the executive board shall provide the council, of its own accord, in a timely manner, with all the information it may require in accordance with the requirements of reasonableness and fairness for the performance of its duties and, upon request, with all the information the council deems necessary in accordance with the requirements of reasonableness and fairness for the performance of its duties. This shall include, in any case, the provision of data, at least once per annum, regarding the scope and contents of the arrangements and agreements concerning conditions of employment for each group of persons employed by the institution, the members of the executive board, and the supervisory board.

upon request or

[...]

Article 9.7. Composition of the supervisory board
1. The supervisory board shall consist of a minimum of three and a maximum of five members.

2. The chair and the other members shall be appointed, suspended and discharged by Our Minister. One of the members shall be appointed on the nomination of the university council […] The nomination shall contain a minimum of two names. In the event that the candidates nominated are not appointed by Our Minister, a new nomination shall be submitted. Our Minister may deviate from the second nomination in a substantiated manner. The appointments shall be aimed, as far as possible, at a balanced distribution of the seats between men and women. Our Minister shall appoint a member who enjoys the particular confidence of the university council […]. The appointment shall be for a maximum term of office of four years.

[...]

4. […] The members of the board shall be appointed on the basis of profiles made public beforehand.

5. The university council […] shall be afforded the opportunity to advise the supervisory board regarding the profiles referred to in the fourth paragraph.

[...]

Article 9.8. Tasks of the supervisory board
[...]

2. At least twice a year, the supervisory board shall consult with the university council […].

Article 9.33. WHW  Power of consent of the university council
1. The executive board shall require prior consent of the university council for each decision to be taken by the executive board with respect to, at least, the adoption or amendment of:
a. the strategic plan, [...],
b. the design of the quality assurance system [...], and the intended policy in light of the outcomes of the quality assessment, [...],
c. the students’ charter, [...],
d. the administrative and management regulations, [...],
e. rules pertaining to working conditions,
f. the choice of participation systems, [...], and
g. the policy pursued by the board of the institution upon application of Article 7.51, (student financial support fund [profileringsfonds]) and the rules referred to in the fourth paragraph of that Article.

2. The executive board shall also require prior consent of the university council regarding the outlines of the annual budget, referred to in Article 2.8. The power of consent shall not be exercised with respect to a budget component whose contents are provided for in a regulation issued by or pursuant to the law.

Article 9.33a. Advisory power of the university council; advisory power of the student delegation
1. The executive board shall request prior advice from the university council regarding each decision to be taken by the executive board, in any case with respect to:
a. matters concerning the continued existence and the proper course of affairs within the university,
b. the budget, from which shall be apparent, among other things, the amounts of the institutional tuition fee and of the tuition fee referred to in Article 6.7, first paragraph [...].
2. The executive board shall request prior advice from that section of the university council elected from among and by the students, regarding each decision to be taken by the executive board, in any case with respect to:
a. the general staff and appointment policy, unless Article 9.36, second paragraph, applies,
b. the policy with respect to the institutional tuition fee, referred to in Article 7.46, and the tuition fee, referred to in Article 6.7, first paragraph,
c. the arrangement made by the board of the institution with respect to the refund of the statutory tuition fee, as referred to in Article 7.48, fourth paragraph,
d. the arrangement set down by the board of the institution with respect to the selection criteria and the selection procedure referred to in Article 6.7a, first paragraph, under b, or, as the case may be, Articles 7.26, 7.26a and 7.53, third paragraph, and, insofar as the selection procedure is concerned, Article 7.30b, second paragraph,
e. the arrangement set down by the board of the institution with respect to the criteria and the procedure for exemption from payment of the higher tuition fee, referred to in Article 6.7a, first paragraph, under c, and
f. the rules set down by the board of the institution with respect to the selection referred to in Article 7.9b, first paragraph,
g. the rules set down by the board of the institution with respect to the study choice recommendations and study choice activities, referred to in Article 7.31b, fourth paragraph.

Article 9.34 WHW
[...]
3 The regulations shall, at least, provide for:
a. the matters with respect to which the council, without prejudice to Article 9.33, has power of consent,
b. the matters with respect to which the council, without prejudice to Article 9.33a, has advisory power,
[...]

Article 9.35 WHW Advice
In the event that a decision to be taken pursuant to Article 9.33a or the university council regulations must be submitted to the council beforehand for advice, by virtue of Article 9.34, third paragraph, sub-section b, the executive board shall ensure that:
a. the advice is requested at such a time as may have a material effect on the decision-making,
b. the council shall be afforded the opportunity to consult with it prior to issuing advice,
c. the council is informed in writing, as soon as possible, of the manner in which the advice issued is put into effect, and
Article 2.8. WHW Budget
1. The board of the institution shall annually set down a budget for the institution, prior to the relevant budget year. The budget year shall coincide with the calendar year. [...]
2. The budget shall comprise an estimate of the revenue and expenditure, and of the assets and liabilities of the institution, and must be balanced. [...] The revenue from the government grant, envisaged in the budget, shall be consistent with the government grant estimated, determined, and, as the occasion arises, re-determined by Our Minister for the relevant budget year.
3. The board of the institution shall ensure that the budget is amended if the final government grant differs from the estimated government grant as incorporated into the budget, and in the event that the government grant is re-determined.
4. The board of the institution shall incur necessary expenses within the limits of the adopted or amended budget.
5. The board of the institution may debit and remit from the expense items of the budget in those cases as covered in the rules the board has set down to that end.

Article 6.7. WHW Approval of specific selection criteria and higher tuition fees
1. Upon request of the board of the institution, Our Minister may grant permission to select candidates upon enrolment for a programme in accordance with criteria to be set out by the board of the institution, and correspondingly stipulate for the selected students a tuition fee that is higher than the statutory tuition fee decreed by implementing regulation pursuant to Article 7.45, first or fifth paragraph, and indexed in the manner set out therein.

[...]

Article 5 Consent
The Executive Board requires prior consent from the Council for each decision the Executive Board takes with respect to the adoption or amendment of:

a. the University Council Regulations, including its Electoral Regulations;
b. the administrative and management regulations;
c. the strategic plan referred to in article 9.33, paragraph a, of the WHW;
d. the students’ charter referred to in article 9.33, paragraph c, of the WHW and the mandatory sections of the Model Education and Examination Regulations under the guidelines referred to article 9.5 of the WHW, as referred to in article 7.13 of the WHW, with the exception of the topics referred to in article 7.13, paragraphs 2a-g and 7, and with the exception of the requirements referred to in articles 7.28, paragraphs 4 and 5, of the WHW, and 7.30b, second paragraph, of the WHW;

Article 6 Advice
1. The Executive Board requests prior advice from the Council regarding each decision to be taken
by the Executive Board with respect to:
   a. matters concerning the continued existence and the proper course of affairs within the University
   b. the outlines of the planning and control system
   c. the budget, which must specify, among other things, the amounts of the institutional tuition fee referred to in article 7.46 of the WHW and the tuition fee referred to in article 6.7, first paragraph
   d. the framework letter
   e. student facilities
   f. the editorial statute of the University’s digital magazine (“DUB”)

2. The Executive Board requests prior advice from the Council’s student delegation regarding each decision to be taken by the Executive Board with respect to:
   a. the general staff and appointment policy, unless
      - the issue in question has already been provided for on behalf of the University in a regulation issued by or pursuant to the law or a collective labour agreement, or
      - participation by students with regard to the issue in question has already been executed in a different manner,
   b. the policy with respect to the institutional tuition fee referred to in article 7.46 of the WHW, and the tuition fee referred to in article 6.7, first paragraph,
   c. the arrangement made with respect to the refund of the statutory tuition fee, as referred to in article 7.48, fourth paragraph, of the WHW.
   d. the arrangement set down by the board of the institution with respect to the selection criteria and the selection procedure referred to in article 6.7a, first paragraph, under b (approval of specific selection criteria and higher tuition fees), or, as the case may be, article 7.26 (additional requirements), 7.53, third paragraph (restriction of first enrolments pursuant to educational capacity available), and, insofar as the selection procedure is concerned, article 7.30b, second paragraph (admission requirements for master’s programmes),
   e. the arrangement set down by the board of the institution with respect to the criteria and the procedure for exemption from payment of the higher tuition fees referred to in Article 6.7a, first paragraph, under c, (permission for specific selection criteria and higher tuition fees),
   f. the rules set down by the board of the institution with respect to the selection referred to in article 7.9b, first paragraph (the selection for a special course within a programme, aimed at attaining a higher level),
   g. the rules set down by the board of the institution with respect to the study choice recommendations and study choice activities referred to in article 7.31b, fourth paragraph (rights and obligations upon application no later than 1 May).

Article 7 Consultations
1. Without prejudice to the provision of article 9.32, paragraphs 1, 2 and 2a, of the WHW, the Executive Board affords the University Council the opportunity to discuss the following subjects with it:
   a. twice per session, the general course of affairs in and the development of the University
   b. the annual reports

2. With regard to years for which no strategic plan is drawn up, the Council discusses the strategic plan once during the session, during its discussion of the general course of affairs.

3. If the Council invokes its power under article 9.32, paragraph 2a, of the WHW (enhanced right of initiative), the consultations take place during the discussion of the general course of affairs referred to in the first paragraph, under a.

Article 8 Equal treatment
In light of article 9.32, fourth paragraph, of the WHW, the Council is competent to request the Committee for Equal Treatment in writing to investigate whether a distinction has been made within the meaning of the National Human Rights Institute Act [Wet College voor de rechten van de mens], the Equal Treatment of Men and Women Act [Wet gelijke behandeling mannen en vrouwen] or article 646 of Book 7 of the Dutch civil code, and to render an opinion in this regard.

Article 9 Information
The executive board shall provide the council, of its own accord, in a timely manner, with all the
information it may require in accordance with the requirements of reasonableness and fairness for the performance of its duties and, upon request, with all the information the council deems necessary in accordance with the requirements of reasonableness and fairness for the performance of its duties., also in light of article 9.32, paragraphs 5 and 6 of the WHW.

Article 10 Division of duties between the University Council, the University’s labour representation board, the faculty councils and the service department council

Excluded from the University Council’s powers are decisions regarding matters falling into the competencies of the University’s faculty councils, service department council or labour representation board pursuant to the law, the Collective Labour Agreement and/or regulations pursuant to the law or the Collective Labour Agreement.

§ 4 Powers and duties of the University Council’s student delegation

Article 9.36 WHW Specific powers
1. The executive board shall require prior consent of that part of the university council that is elected from among and by the staff, for each decision to be taken by the executive board with respect to matters of general interest for the specific legal status of the university staff.
2. The power of consent or advisory power in matters as referred to in the first paragraph shall not be exercised insofar as the matter concerned has already been provided for, in terms of content, with respect to the university in a regulation issued by or pursuant to the law or a collective labour agreement. The power of consent shall neither be exercised insofar as the participation in decision-making with respect to the matter concerned has already been effected in another manner.

Article 9.34 WHW Regulations pertaining to the university council

[...]
3. The regulations shall, at least, provide for:
[...]
i. the assignment to that section of the council that has been elected from among and by the staff, of the powers pertaining to working conditions that have been assigned to the participation council by virtue of the Working Conditions Act [Arbeidsomstandighedenwet 1998] and the implementing regulation pursuant to Article 16 of that Act ,
[...]
k. the assignment to the council or the section of the council that is elected from among and by the staff, of the powers pertaining to the working conditions in the university, insofar as these do not concern decisions to be taken by the executive board, referred to in Article 9.33 sub-section e,
[...]

Article 11 Working conditions policy

Pursuant to article 9.34, paragraphs 3i and 3k, of the WHW, the Executive Board has prior consultations with the Council’s staff delegation regarding the implementation of the working conditions policy.

§ 5 Work procedures

Article 9.31 WHW University council

[...]
7. The council shall draw up regulations for matters of an everyday nature, and shall also provide for the manner in which the resources made available by the executive board for that council, and faculty councils and committees, as referred to in Article 9.47, shall be distributed.
[...]

Article 9.32 WHW General powers and duties of the university council and the council members

1. The executive board and the council shall meet if so requested, stating the reasons for doing so, by the executive board, the council, the section of the council elected from among and by the staff, or the section of the council elected from among and by the students.
Article 12  Rules of procedure
The Council sets down rules of procedure for its work and meetings, in compliance with the provisions of these Regulations.

Article 13  Meetings
1. The Council has meetings with or without the presence of the Executive Board.
2. The Council meets with the Executive Board at least four times a year, without prejudice to the provision of article 9.32, paragraph 1, of the WHW.
3. The Council has meetings without the Executive Board at least four times a year. The Council also meets at the request of its chairperson or at the request of at least eight of the Council’s members.
4. The Council's meetings are convened by its chairperson.

Article 14  Decisions
1. The Council takes decisions by majority of votes, unless otherwise prescribed by law.
2. Decisions can only be passed if more than one half of the Council's members are present at the meeting. If the required number of Council members is not present, the points on the agenda are deliberated and decided upon at the next meeting, irrespective of the number of members present at that meeting.
3. If no decisions can be passed due to the absence of the quorum referred to in paragraph 2, the chairperson convenes a new meeting for the Council and the Executive Board, scheduled to take place within two weeks’ time, but not before two full days have passed.

Article 15  Procedure for consent and advice
1. As a matter of principle, the Council decides upon intended decisions that require its consent or advice during its next meeting, which must take place no later than within ten weeks after it has received the intended decision,
2. A different term can be set for the decision by mutual agreement between the Executive Board and the Council.
3. If the Council has the power of consent, it is deemed to have withheld its consent if it does not pass a decision within the required term.
4. If the Council has advisory power, the Executive Board is competent to take a final decision if the Council does not pass a decision within the required term.

Article 9.32 WHW  General powers and duties of the university council and the council members
7. In the event that during a particular meeting or part thereof a pre-eminently personal interest of one of the members of the council is at issue, the council may stipulate that the member involved shall not attend that meeting or that part of such a meeting. In such cases, the council shall additionally stipulate that the issue concerned will be dealt with in closed session.
8. The council shall annually report on its activities in writing, and ensure that all those involved in the university may take note of the report. The council shall ensure that the agendas and reports of the council meetings are forwarded to the executive board, to the faculty councils and to the committees, if any, [...], and shall be deposited at a generally accessible location in the university, for perusal by interested parties. At least once per annum, the council shall afford the committees referred to in the previous sentence the opportunity to consult with it regarding matters that are of particular concern to the committee concerned.

Article 16  Disclosure and duty of confidentiality
1. The Council's meetings are public unless the Executive Board and/or the Council are of the opinion that the nature of the issue concerned justifies dealing with it in closed session.
2. If a meeting or any part thereof is held in closed session, the minutes pertaining thereto are drawn up as a confidential document. The chairperson decides on the wording of the public announcement of any decision made during a meeting or part of a meeting in closed session, unless complete confidentiality is required pursuant to the provision of paragraph 3.
3. The Council members as well as the chairperson and any person invited to attend the deliberations are bound to a duty of confidentiality with regard to all issues which the Executive
Board or Council have construed to be confidential, or which they should have understood to be of a confidential nature.

4. The duty of confidentiality referred to in paragraph 3 does not expire upon termination of the person’s Council membership or ties with the University.

Article 9.47 WHW Committees
1. The executive board shall afford the staff and the students the opportunity to, if so desired, establish a staff committee or separate committees, respectively, for specific staff categories or staff groups, and a student committee. Such a committee shall be competent to issue advice, whether solicited or of its own accord, to the university council regarding matters of particular concern to the committee involved.

2. If so requested by a committee, the university council shall notify the executive board of a written advice as referred to in the first paragraph. […]

Article 17 Committees
The Council can appoint committees from among its ranks and charge them with the task of advising the Council.

Article 9.48 WHW Facilities and training
1. The executive board shall permit the university council the use of the facilities it has at its disposal, and that the council reasonably requires for the performance of its duties, in any event including administrative, financial and legal support and training.

2. The executive board provides the members of the university council with a training budget to be jointly determined by the executive board and the council. The university staff shall be afforded the opportunity to receive such training during office hours and on full pay. […]

Article 18 Facilities
The Executive Board decides, in due consultation with the Council, on the availability of the facilities referred to in article 9.48, paragraphs 1 and 2, of the WHW.

§ 6 Powers of the faculty councils

Article 9.37 WHW Faculty council
[...]

2. The faculty council shall exercise towards the Dean of the faculty the power of consent and the advisory power as assigned to the university council, insofar as matters are involved that are of particular concern to the faculty, and the powers concerned have also been assigned to the Dean.

Article 9.34 WHW Regulations pertaining to the university council
[...]

3. The regulations [for the university council] shall, at least, provide for:

   […]

   the powers exercised by the faculty councils.

[...]

Article 19 Powers of the faculty councils
Without prejudice to the provision of article 9.37, paragraph 2, of the WHW, the powers of the faculty councils are laid down in the faculty regulations of the University’s faculties.

§ 7 Disputes

Article 9.39 WHW Participation arbitration board
1. There shall be a higher education participation arbitration board […]

Article 9.40 WHW Powers of the participation arbitration board and procedure
1. The arbitration board referred to in Article 9.39 shall take note of disputes between a participation body and the executive board or the Dean regarding:
a. the establishment, amendment or application of the participation regulations, referred to in Article 9.34, and

2. In the event of a dispute between the body established pursuant to the participative arrangement, referred to in Article 9.30, third paragraph, second sentence, the university council or the faculty council, and the person who or the body that has power of decision, the executive board shall investigate whether an amicable settlement between the parties is possible. If the executive board is the body that has power of decision,
the supervisory board shall investigate whether an amicable settlement is possible. Should such prove not to be possible, the participation body referred to in the first sentence, or the person who or the body concerned that has power of decision shall submit the dispute to the arbitration board.
3. In the event of a dispute that pertains to the failure to put all or part of the advice of a participation body into effect, the implementation of the decision shall be suspended for four weeks, unless the body concerned has no objections to an immediate implementation of the decision.
4. The arbitration board shall be competent to effect an amicable settlement between the parties. If an amicable settlement is not attained, the arbitration board shall settle a dispute submitted to it by binding decision, whereby it shall assess whether:
a. the executive board or the Dean has observed the requirements of the law and the regulations referred to in Article 9.34,
b. the executive board or the Dean, upon consideration of the interests involved, have reasonably been able to reach the proposal or the decision, and
c. the executive board or the Dean has acted in a negligent manner vis-à-vis the participation body concerned.
5. In the event that the executive board or the Dean has not obtained approval from the participation body for the intended decision, it may request permission from the arbitration board, in deviation from the fourth paragraph, to take the decision. The arbitration board shall only grant permission in the event that the decision of the participation body to withhold consent is unreasonable or in the event that the intended decision by the executive board or the Dean is necessitated by weighty, organisational, economic or social reasons. Insofar as a dispute involves the outlines of the budget and the arbitration board has not granted the executive board permission to take a decision before 1 January of the year to which the budget pertains, the executive board may avail itself, to cover expenses in that year, of a maximum of four twelfths of the amounts featured in the corresponding sections of the budget for the preceding year, until the arbitration board has taken a decision regarding the granting of permission.
6. If decisions are concerned as referred to in Articles 9.30a, second and third paragraphs, or 9.33, first paragraph, under a, b or d, and second paragraph, the arbitration board shall, in deviation from the fifth paragraph, second sentence, assess whether the executive board or another body has reasonably been able to reach the decision upon weighing the interests involved.
7. The participation body may, insofar as the submission of a dispute is concerned, take over the advisory powers of the programme committee, insofar as such is in keeping with the advice from the programme committee.

Article 9.46. Legal standing of participation bodies
1. A decision from the arbitration board shall be open to appeal with the Enterprise Division of the Amsterdam court. The first sentence shall not apply with respect to Article 9.40, seventh paragraph.
2. A participation body may be a party in legal proceedings, if the appeal seeks fulfilment by the executive board or the Dean of the obligations vis-à-vis the participation body.
3. The appeal shall be lodged by notice of appeal within a month from the date of the decision by the arbitration board. The opposing party shall be notified of the appeal.
4. An appeal may only be lodged on the ground of erroneous application of the law by the arbitration board.
5. Decisions by the Enterprise Division shall not be open to appeals with the court of cassation.
6. In deviation from Article 237 of the Code of Civil Procedure [Wetboek van Burgerlijke Rechtsvordering], the participation body may not be condemned to pay costs.
7. In the event that a participation body or the executive board has lodged an appeal against a decision by the arbitration board on a dispute regarding the power of consent to the outlines of the budget, and the Enterprise Division has not yet given a decision on 1 January of the year to which the budget pertains, the executive board may avail itself, to cover expenses, of the amounts estimated for that purpose in the budget on which the Enterprise Division is judging or has judged, until the Enterprise Division has given a decision or, if the decision by the Enterprise Division
results in the drafting of a new budget, until a new budget has been set down.

§ 8 Entry into force

Article 20 Entry into force
These Regulations and amendments thereto enter into force on the day that the Executive Board's decision to adopt these Regulations is announced to the Council.

Amended with effect from 1 September 2010, after having been approved by the University Council on 14 June 2010.
Amended with effect from 1 September 2011, after having been approved by the University Council on 9 May 2011.
Amended with effect from 1 July 2016, after having been approved by the University Council on 15 February 2016.
Amended with effect from 1 July 2017, after having been approved by the University Council on 26 June 2017.
Amended with effect from 17 February 2021, after having been approved by the University Council on 17 February 2021.

Legend:
Black print = text of the Regulations
Grey print = text of the Higher Education and Research Act