

## **Regulations pertaining to Service Department Councils**

*Article 9.50 of the Higher Education and Research Act (Wet op het hoger onderwijs en wetenschappelijk onderzoek - WHW)*

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*For explanation purposes: provisions from the WHW.*

### **CHAPTER 1 - GENERAL**

#### **Article 1.1 Definitions**

The terms below used in these regulations are defined as follows:

*Act*: Higher Education and Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek* - also referred to as 'WHW')

*university service department*: central service department as referred to in Article 9.50(1) of the Act

*staff member*: the member of personnel employed by the university and set to work by the university service department

*director*: director of the university service department

*personnel organisation*: an employees' organisation as referred to in the Collective Agreement for Dutch Universities (*CAO Nederlandse Universiteiten*) as well as an association that is a member of such an employees' organisation, and which has university staff among its members

*reference date*: the date set each year by the Central electoral office for registering the voters

*session*: the annual meeting period of the service department council, which commences on 1 September and ends on 31 August

### **CHAPTER 2 – ORGANISATION, COMPOSITION AND TERM OF OFFICE**

#### **Article 2.1 Organisation and composition**

In order for staff to participate in the business of a university service department, each of the following university service departments has a service department council, with the number of seats as follows:

- a. University Corporate Offices, 9 seats;
- b. University Library, 7 seats;

#### **Article 2.2 Voting rights and term of office**

1. Each service department council will be elected by and from among the staff of the university service department concerned, for a term of office covering two sessions.
2. The election of the members of the service department councils will take place according to the provisions of these regulations.
3. The directors may not form part of a service department council.

4. The member who fulfils a position that has fallen vacant in the interim must resign on the date that the member being replaced would have had to resign.
5. If the outcome of the elections has not been determined by the end of a term of office, the resigning members retain their membership pending the outcome.
6. Membership of the service department council ends:
  - a. upon expiry of the term of office,
  - b. upon the resignation of a member,
  - c. upon the loss of the qualifications laid down in these regulations, under which the member was elected to the service department council.

### **Article 2.3 Chairperson**

Each service department council elects its chairperson for a term of office to be determined.

## **CHAPTER 3 – WORK PROCEDURES, DUTIES AND POWERS**

### **Article 3.1 Work procedures and rules of procedure**

Each service department council will lay down its work procedures and the order of its meetings in consultation with the director in rules of procedure, with due observance of the provisions of these regulations.

### **Article 3.2 Duties and powers**

1. The director will submit to the service department council for its advice each of the measures intended by the director concerning:
  - a. the manner in which the terms of employment and service are applied in the university service department;
  - b. the manner in which the general staff policy is implemented in the university service department;
  - c. matters relating to working conditions in connection with the work of the university service department;
  - d. the organisation and work procedures within the university service department, and
  - e. the technical and economic performance of the service by the university service department.
2. The service department council is authorised to submit proposals to the director regarding the matters referred to in the first paragraph.
3. The director requires the prior consent of the service department council for each measure he is authorised to take, and regarding which the service department council has given its advice on the grounds of the first paragraph.
4. The director will submit to the service department council for its advice the draft budget for the service as will be submitted by the director to the executive board.

### **Article 3.3 Facilities and indemnification**

1. The director will make the facilities referred to in Article 9.48(1) and (2) of the Act available in agreement with the service department council.
2. Article 9.32(9) of the Act is applicable by analogy to the service department council.

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

*(...)*

*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.*

*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, which is understood in any case to mean administrative, financial and legal support and training.*
- 2. The executive board shall provide the members of the university council with a training budget, which shall 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.*
- 3. This Article shall apply mutatis mutandis to the faculty councils, on the understanding that the Dean shall take the place of the executive board.*

*Article 9.50 WHW      Service council for the benefit of central services*

*(...)*

- 2. The executive board shall ensure that a service council is, in a timely manner, afforded the opportunity to provide advice to the head of the service concerned, and consult regarding intended measures pertaining to:*
  - a. the manner in which the working and service conditions are implemented by a central service,*
  - b. the manner in which the general staff policy is pursued by a central service,*
  - c. matters relating to working conditions, in connection with the work of a central service,*
  - d. the organisation and procedure within a central service, and*
  - e. the technical and economic performance of services by a central service.*
- 3. The service council shall be competent to submit proposals to the head of the service concerned regarding the matters listed in the second paragraph.*
- 4. The head of the service concerned shall require prior consent of the service council for each measure he is competent to take, and regarding which the service council has issued advice pursuant to the second paragraph.*

*(...)*

## **CHAPTER 4 - ELECTIONS**

### **Article 4.1      Electoral Committee**

1. The Electoral Committee will prepare and hold the elections.
2. The Electoral Committee has three members, one of whom is the chairperson.
3. The members will be appointed and dismissed by the director, having consulted the service department council. The director will appoint the chairperson from among the members.

### **Article 4.2      Voting rights**

1. Each staff member has active and passive voting rights for the election of the members of the service department council.
2. No electoral districts have been formed within the university service departments for the elections.

### **Article 4.3      Electoral registers**

1. The Electoral Committee will establish an electoral register for each service department council within five working days following the reference date of the year in which the election is to be held. The registers will state, with respect to the status on the reference date, at least (i) the surname and initials of each voter as registered in the university administrative systems and (ii) the unique user name assigned by the university to the voter.
2. As soon as they have been established, the electoral registers will be placed by the Electoral Committee at a location to be decided, where they can be inspected until the end of the period for candidate nominations.

3. The Electoral Committee will make the amendments to the registers, either in its official capacity or at the request of a voter, which it deems necessary for the correct implementation of the law and these regulations. A request may be submitted to the Electoral Committee only before the end of the period for candidate nominations.

#### **Article 4.4 Period and location of candidate nominations**

1. The period for and location of candidate nominations will be determined by the Electoral Committee and announced at least six weeks before the commencement of this period.
2. The candidate nominations will be placed on lists, a model of which will be decided on by the Electoral Committee.

#### **Article 4.5 Form of candidate nominations**

1. A candidate list is numbered and will contain no more than thirty candidates. The candidate list may be submitted under a name of no more than forty characters.
2. The candidate list will be submitted in writing and supported by at least twenty supporting voters of the service department council concerned, with their signatures. A voter may only sign one candidate list. A candidate list may not be signed by the candidates appearing on the list.
3. Supplementary to paragraph 2, a candidate list may also be submitted by organisations of personnel without supporting signatures as referred to in paragraph 2.
4. A voter may stand as a candidate for one seat only. Each candidate will submit an irrevocable written statement in which they agree with their candidature, which will be submitted at the same time as the nomination.
5. Each candidate and each supporting voter as referred to in paragraph 2 will state on the candidate list at least the information referred to in Article 4.3(1).

#### **Article 4.6 Establishing valid candidates**

1. The Electoral Committee will check the candidate nominations for any omissions with respect to the requirements laid down in these regulations. It will notify the submitting parties of any omissions found as soon as possible.
2. Omissions with respect to the requirements referred to in Article 4.5 may be rectified. To this end, the missing documents for the candidate nominations may be submitted to the Electoral Committee up to three working days following the notice referred to in paragraph 1. Rectification of omissions may not lead to the nomination of a new candidate or the submission of a new candidate list.
3. Following the period for rectifying omissions referred to in paragraph 2, the Electoral Committee will decide in a public session on the validity of the candidates nominated.

#### **Article 4.7 Form and time of election**

1. The election will be held during an election period to be laid down by the Electoral Committee.
2. Votes will be cast electronically by means of a program in which the details of the seats and candidates are displayed to the voter.

#### **Article 4.8 Election notice**

The Electoral Committee will send in good time to each voter a notice of the election and an instruction on the manner of casting a vote. The Electoral Committee will make information about the candidate lists available in good time through the appropriate channels.

#### **Article 4.9 Establishing the valid votes**

After the end of the election period the Electoral Committee will establish the number of valid votes cast for each candidate list and each candidate.

#### **Article 4.10 Allocating seats to lists**

1. The Electoral Committee will establish the electoral quota for the service department council by dividing the sum of the votes cast by the number of seats in the service department council.
2. Each candidate list will receive so many seats as the number of times that the electoral quota is included in the number of votes cast on that list. No more seats will be allocated to a candidate list than the number of candidates on that list.
3. Seats which have not been allocated in the manner described in paragraph 2 (remaining seats) will then be assigned in succession to the list that has the largest average number of votes per allocated seat when allocating a remaining seat. If two or more lists have the same averages, lots will be drawn to decide which list will receive the remaining seat.

#### **Article 4.11 Declaring the candidates elected; ranking of candidates**

1. The candidates on the list who have received the number of votes that is at least equal to two thirds of the electoral quota will be elected to the seats allocated to each list, in the order of the number of votes cast for them.
2. If not all the seats allocated to a list have been filled in the manner described in paragraph 1, the other seats will be allocated to the candidates in the order stated on the list.
3. The Electoral Committee will rank first the candidates on the list declared elected in accordance with the order as laid down in paragraphs 1 and 2 of this Article 4.11. The Electoral Committee will then rank the unelected candidates on the list in accordance with the order of the list submitted.

#### **Article 4.12 Session for announcing the result**

The Electoral Committee will establish the result of the election within two working days following the election period, and will announce this result in a public session.

#### **Article 4.13 Filling an interim vacancy**

1. In the event of an interim vacancy, the Electoral Committee will appoint as the successor to the member of the service department council the highest placed but unelected candidate on the candidate list from which the person to be succeeded was elected.
2. If the list referred to in paragraph 1 does not have an available candidate, the vacancy will be filled by the highest placed but unelected candidate who received the highest average number of votes within the service department council in accordance with Article 4.10(3).
3. If the lists referred to in paragraph 2 do not have an available candidate, the service department council may request the director to hold interim elections for the vacant seat. Interim elections may only be held at the same time as the annual elections for the student delegation of the University Council and will proceed in accordance with the provisions of these regulations. The service department council will submit the request to the director no later than on 31 December prior to the election year.

#### **Article 4.14**

In cases concerning the elections not provided for in these regulations, the Electoral Committee will decide.

### **CHAPTER 5 DISPUTES**

#### **Article 5.1 – Disputes procedure**

1. If the director wishes to pursue an intended measure without having obtained the consent of the service department council under these regulations, he will request a decision from the executive board, upon submission of:
  - the intended measure,
  - the advice from the service department council, as referred to in these regulations, and
  - the report of the consultative meeting concerned.
2. The executive board will reach a decision, after having consulted the director and a representative of the service department council.
3. If this internal disputes procedure has not led to the dispute being settled, the statutory dispute regulations will apply.

*Article 9.38c. Definitions*

*In this section and Article 9.46, the participation body shall be understood to mean:*

*(...)*

*f. the service council, referred to in Article 9.50,*

*(...)*

*Article 9.39 WHW Participation arbitration board*

1. *There shall be a higher education participation arbitration board (...).*

*Article 9.40 WHW Powers of 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*

*b. disputes arising from Articles 9.30a, 9.18, 9.32, 9.33, 9.33a(1,2 and 3b), 9.34, 9.35, 9.36, 9.38, and 9.38a.*

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, the faculty council or the programme committee 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, will submit the dispute to the arbitration board.*

*(...)*

## **CHAPTER 6 CONCLUDING AND TRANSITIONAL PROVISIONS**

### **Article 6.1 Amendments to the regulations**

Amendments to these regulations will be adopted by the executive board in agreement with all service department councils.

### **Article 6.2 Entry into force**

These regulations will enter into force on 1 January 2021.

## **Notes to the Regulations pertaining to Service Department Councils**

### **GENERAL**

In accordance with Article 9.50(5) of the WHW, the executive board has adopted these regulations in agreement with the two service department councils.

The starting point in drafting regulations within Utrecht University is that subjects arising from the Act or other regulations or from general principles of sound management are not incorporated in the regulations themselves.

In addition, it has been shown that the fewer detailed provisions are included, the more long-lasting the regulations will be. Practical agreements, such as meeting formalities, may be laid down by each service department council, in consultation with the director, in supplementary rules of procedure that can be readily adapted to the actual situation.

Finally, the structure and formulations used in these regulations follow the applicable regulations for the university council and the faculty councils within Utrecht University.

### **EXPLANATION ARTICLE BY ARTICLE**

#### **CHAPTER 1 - GENERAL**

##### Article 1.1

Besides the terms that have been defined in these regulations themselves, terms customarily used within the university are also used in these regulations. These terms are used in the Act (Higher Education and Research Act, *Wet op het hoger onderwijs en wetenschappelijk onderzoek*, referred to further as WHW), the administrative and management regulations and the regulations of the University Council and the Faculty Councils.

#### **CHAPTER 2 – ORGANISATION, COMPOSITION AND TERM OF OFFICE**

##### Articles 2.1 and 2.2

According to Article 9.50(1) of the WHW, the executive board forms a service department council. Article 2.1 lays down the organisation of the service department councils with the two central departments: the University Corporate Offices and the University Library. The number of seats is determined in consultation with the service department councils based on various factors, including the size of the service department, the practical feasibility and number of candidates to be expected. In determining the term of office of the members of the service department council, the term of office of the staff delegation of the university council and the faculty councils are followed, namely 2 years. The practical advantage of this is that the elections for representatives of all staff members within Utrecht University take place at the same time and can be brought to general attention at the same time.

Members of the service department council are elected by and from among the staff of the central service department concerned. The members of the service department council may be re-elected immediately and no maximum number of terms of office applies.

##### Article 2.3

The service department council can itself decide for what term of office a chairperson will be elected. Naturally this may not be longer than the term of office for the service department council.

#### **CHAPTER 3 – WORK PROCEDURES, DUTIES AND POWERS**

##### Article 3.1

The practical methods of the two service department councils are laid down in outline in rules of procedure for each service department council. These will include the duties of the chairperson and the secretary, the manner of holding meetings and adopting resolutions by the body and the reporting procedure. The contents of the rules of procedure will vary according to the service department

council as a result of differing meeting formalities. The rules of procedure are adopted by the service department council in consultation with the director of the central service. The rules of procedure supplement these regulations but cannot go against them.

#### Article 3.2

On the grounds of the WHW, the service department council has the same powers as the staff delegation of the faculty council. This is laid down in Articles 9.50 and 9.37(5) of the WHW. For this reason it has been decided to include a provision that is identical to the provision contained on this subject in the Faculty regulations.

To this was added in 2016 the right to be consulted with respect to the budget, as provided in Article 3.2(4). The reason for this is the amendment to the Higher Education and Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*), referred to as '**WHW**', under the Student Loans (Higher Education) Act (*Wet studievoorschot hoger onderwijs*) which entered into force in March 2015, under which the right of consent to the general outline of the budget was granted to university councils. This right of consent has been further elaborated on for the university council of Utrecht University in the memorandum 'Elaboration of right of consent to general outline of budget (*Uitwerking instemmingsrecht op hoofdlijnen begroting*)' (Corsa FCA 15.21125) on which the Executive Board and the University Council reached agreement on 9 November 2015. This memorandum also forms the basis for this supplementary right of the service department councils to be consulted about the budget for the services.

#### Article 3.3

The members of the service department council are entitled, as are the members of the university council and the faculty councils, to use the facilities that are necessary for them to perform their work. In the same way as in the university council and the faculty councils, it is ensured that the members are not disadvantaged by virtue of their membership, by declaring Article 9.32(9) of the WHW applicable by analogy to the service department council.

### **CHAPTER 4 - ELECTIONS**

#### Article 4.1

The organisation of the elections is the responsibility of the Electoral Committee. The Electoral Committee may obtain advice and information from the secretary of the Central electoral office at the Office of the Board of the University Corporate Offices. In addition, the Electoral Committee has access to other information it requires for performing its task, such as names and addresses recorded in OSIRIS.

The Electoral Committee itself decides on the manner of decision-making. As a rule, the Electoral Committee will take decisions by a majority of votes. The system of elections for the service department councils is identical to that of the elections for the university council and the faculty councils. This creates within Utrecht University a fixed 'election practice' for all the participation bodies.

#### Article 4.2

Each staff member of the service department council concerned has the right to stand for election (passive voting right) and to vote for a candidate (active voting right). The service department councils have decided not to form electoral districts, so that candidates and voters may exercise their vote freely.

#### Article 4.3

The electoral registers contain details of all those entitled to vote in the elections of the service department council concerned. The Electoral Committee may decide to include, besides the information summarised in Article 4.3(1), other information it deems necessary for the proper organisation of the elections. The Electoral Committee may make amendments to the electoral registers up until the end of the period of candidate nominations. When making amendments, the Electoral Committee will observe the General Administrative Law Act (*Algemene wet bestuursrecht*). Specifically, this means that the Electoral Committee will give interested persons the opportunity to



express their opinion, and that the various interests will be weighed up carefully. If an interested person does not agree to an amendment in the electoral register, he may lodge an objection.

#### Article 4.4

The Electoral Committee decides at what moment candidates can be nominated for the elections of the service department council concerned. This nomination period must be made known in good time, to allow interested persons to prepare themselves. In principle the dates of candidate nominations will be the same for all service department councils, so that this can be clearly communicated to the voters. The secretary of the Central electoral office will coordinate the work in this respect. The nominated candidates will be placed on lists. A list will preferably contain several candidates with differing qualities and backgrounds, and with a joint objective concerning their future work in the service department council.

#### Article 4.5

This article sets out the requirements that a candidate nomination must meet. A candidate list contains no more than thirty candidates, and preferably at least three, so that it will be possible in many cases to fill an interim vacancy from the same list. A candidate list will be supported by at least twenty voters. It is customary for a candidate list to be submitted by a particular organisation, such as an electoral association. These types of organisations are not mentioned in these regulations, because the starting point is that each organisation must be able to assemble twenty supporting voters. Exceptions are organisations of personnel, which is taken to mean only trade unions and other collective industrial organisations. These exceptions are based on a statutory regulation.

#### Article 4.6

A candidate may not stand for election if the nomination has not been made in accordance with the rules of these regulations. However, the Electoral Committee will check after the nominations have been received whether they comply with the requirements, and if they are not, it is possible to rectify any omissions within three working days. Any shortcomings that cannot be derived from the rules in Article 4.5 cannot be rectified, for example, if a candidate is not entitled to vote or if an intended candidate is not listed on any of the candidate lists.

#### Articles 4.7 and 4.8

The election period is generally in the spring (usually April or May). Everyone votes via the voting application of UU and is verified by means of a personal user name (Solis-id) and password. Well before the election period, when confirming the electoral registers, each member of the university community, therefore also persons who are not entitled to vote, will receive an email via the digital correspondence address known to UU, with general information about the upcoming elections (election period, information on the nomination of candidates, etc.) Persons may check via a link in this notice whether they are included in the electoral register, so that they can raise an objection in good time if they are mistakenly not included in the register. Once the candidate lists have been determined, the electoral committee will publish them via the appropriate channels for the service department. The electoral committee may also publish a link to the individual websites of the various lists. On these websites, the lists can communicate additional information about their lists and the various candidates. The lists themselves are responsible for the contents of this information. At the start of the election period, each voter will receive a notice of the election via the digital correspondence address known to UU, with an instruction on the manner of voting.

#### Article 4.9

The Electoral Committee will establish how many valid votes have been cast, and how many votes each list and candidate has received. If there have been any irregularities in the voting procedure, the Electoral Committee may attach any consequences as it sees fit, with due observance of the statutory framework. See also Article 4.14.

#### Article 4.10

After the votes have been counted, the Electoral Committee will first establish the electoral quota for each district. In accordance with the Elections Act (*Kieswet*), blank votes will not be included when determining the electoral quota. Blank votes do count in determining the turnout, but do not count towards the distribution of seats.

The Electoral Committee will then establish how many seats will be allocated to each list, observing the following basic principles.

- A list will never be allocated more seats than there are candidates on the list.
- First it will be examined how often the electoral quota is included in the number of votes that a list has obtained. This number is the number of seats that are initially allocated to the list.
- The remaining seats are then divided up in a manner so that, when allocating the remaining seat, the list with the largest average number of votes per seat is allocated a seat.

If lots are drawn to determine which list is allocated a seat, the Electoral Committee will ensure that this is done objectively and a report is drawn up.

#### Article 4.11

If a particular candidate receives as many preferential votes as two thirds of the electoral quota, the candidate concerned will be declared elected irrespective of that candidate's position on the list. For candidates who have received fewer votes than two thirds of the electoral quota, the order on the list will be followed. This order on the list is also important for those who are not elected, with a view to any interim filling of vacancies, see Article 4.13.

#### Article 4.12

The Electoral Committee will announce the result of the elections in a public session, so that everyone may be present at the announcement of the result.

#### Article 4.13

If an interim vacancy needs to be filled, the highest unelected candidates on the list from which the person leaving behind the vacancy was elected will be selected first to fill the vacancy. Only if the list does not contain any unelected candidates will other lists be consulted. If the other lists also do not contain any candidates, there is the option of holding early elections for the vacant seats. These will take place at the same time as the annual elections for the student delegation of the university council.

#### Article 4.14

This concluding provision gives the Electoral Committee the power to decide in cases not provided for in these regulations.

## **CHAPTER 5 DISPUTES**

#### Article 5.1

This article is in compliance with the obligation of Article 9.50(5) WHW to include a disputes procedure in these regulations. The procedure is kept as simple and accessible as possible and needs no further explanation. In addition to this internal disputes procedure, the statutory disputes procedure can be followed if necessary.

## **CHAPTER 6 CONCLUDING AND TRANSITIONAL PROVISIONS**

#### Article 6.1

Under Article 9.50(5) of the WHW, amendments to these regulations by the executive board will be adopted in agreement with all service department councils.