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Explanation and guidelines for the Directive for Faculty Electoral Regulations, as applicable from 7 December 2020

General

Nature of the Directive

The model faculty electoral regulations, as laid down in this Directive, are prescribed by the Board (following approval by the University Council) as a binding framework for the deans. This Directive is being adopted so that the same rules apply for elections within each faculty and will contribute to a clear and unambiguous structure of employee and student representation within the university. The dean will establish the electoral regulations for the individual faculty in accordance with the Directive. The faculty electoral regulations are a model that allow the dean (with the agreement of the faculty council) in a number of areas to select various options. These options are indicated as <option:.....>.

Principles of the electoral system

The electoral system encourages active participation in the decision-making process, where each member of the university community has passive and active voting rights and easy access to the representative advisory bodies. The electoral system is straightforward and unambiguous.

The electoral system aims to ensure that the members of the university community feel jointly responsible for the democratic elections with as many active and passive voters as possible. Students and staff preferably encourage each other to participate in the elections. Cooperation through drawing up lists and forming electoral associations is promoted. The board has a supporting role in this.

Statutory framework and legal protection

The Electoral Regulations of the Faculty Council form part of the Faculty Regulations.

On the grounds of the Higher Education and Research Act (*Wet op het Hoger Onderwijs en Wetenschappelijk Onderzoek, 'WHW'*), half of the Faculty Council comprises members elected by and from among students of the university and half are members elected by and from among university staff. Since 2017, PhD scholarship candidates have also had voting rights for the staff delegation in the Faculty Councils. The number of seats on the Faculty Council is laid down in Chapter 3 of the Faculty Regulations themselves.

The Electoral Regulations have been drawn up following the example of the Elections Act (*Kieswet*), which lays down the electoral system for the Lower House, the Provincial Council and the Municipal Councils, and the General Administrative Law Act (*Algemene wet bestuursrecht*) which is applicable to the University as an administrative body. If an addition to the Electoral Regulations is necessary in a particular case, a decision on this will be taken as far as possible in accordance with the Elections Act and the General Administrative Law Act.

The General Administrative Law Act ensures that voters are protected in their rights. On the grounds of that Act, each decision by the Electoral Committee must, for example, be made known to the parties concerned, and it will be stated with each individual decision which procedure the voters concerned may follow to lodge an objection against it.

Explanation article by article

Article 1

Besides the terms that are defined in the Electoral Regulations, the Electoral Regulations also use terms generally used within the university. These terms are used in various places including the university website, the administrative and management regulations and the University Council Regulations.

University staff do not include the research and teaching assistants at UU. Research and teaching assistants at UU only have voting rights for the student delegation on the council.

Articles 2 and 3

The Electoral Committee organises the elections to the Faculty Council. The members of the Electoral Committee may seek procedural and technical advice and information from the Central

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Electoral Office. In addition, the Electoral Committee has access to other information it requires to perform its task, such as names and addresses recorded in OSIRIS.

Decisions by the Electoral Committee are made under the authority of the dean, since under the WHW the dean is the designated person for organising the elections of the Faculty Council. This means that any objections to decisions made by the Electoral Committee are decided on by the dean. The Electoral Committee itself determines the manner of passing resolutions, and as a rule the Electoral Committee will pass resolutions with a majority of votes.

In consultation with the dean, the Electoral Committee will then decide how the Electoral Regulations will be implemented.

Article 4

Each member of staff employed by the university and put to work at the faculty and each student of the faculty has the right to stand for election (passive voting right) and to vote for a candidate (active voting right). In addition, since 2017 PhD scholarship candidates have had active and passive voting rights for the staff delegation on the faculty councils.

In certain faculties it may be desirable to have certain departments represented in the faculty council. This applied in any case for the faculties of Humanities, Science, and Law, Economics & Governance, in view of the build-up phase within these faculties following the Administrative Reforms. Departmental representation is made possible by introducing electoral districts, after which these districts form the basis for subcommittees within the faculty council. The electoral districts can be formed for both staff and students, or for one of these delegations. The active voting right is not bound to districts, so that voters can freely exercise their right to vote.

The subcommittees formed by the electoral districts advise the faculty council on the departments for which they have been formed. A subcommittee consults with and obtains information from the head of the department concerned. If desired, extra members (with an advisory role) from the department concerned can be added to the relevant subcommittee. The procedures and formation of subcommittees is organised by the faculty council in its Rules of Procedure, in line with the procedures and rules of the University Council.

Article 5

The electoral registers list all voters for the elections of the Faculty Council. The Electoral Committee may, with due observance of the General Administrative Law Act, make changes to the electoral register until the end of the period for nominating candidates.

Article 6

The Electoral Committee determines at what moment candidates can be nominated for the elections to the Faculty Council. This nomination period must be made known in good time, to allow interested persons to prepare themselves. Candidate nominations are made on lists for a particular delegation and/or a particular district. A candidate list must be registered using the form laid down for that purpose by the Electoral Committee.

Article 7

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 of the same delegation to which the candidates belong.

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 the electoral regulations, because the starting point is that each organisation must be able to assemble twenty supporting voters for its candidate list. Exceptions are organisations of personnel, which is taken to mean only trade unions and other collective industrial organisations, see the definition in Article 1. These exceptions are based on a statutory regulation.

Article 8

A candidate may not stand for election if the nomination has not been made in accordance with the rules of the Electoral Regulations. The Electoral Committee will check after the nominations have

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been received whether they comply with the requirements. If the requirements referred to in Article 7 are not met, it is possible to rectify this omission within 3 working days. Any shortcomings that cannot be derived from the rules in Article 7 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 9 and 10

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 faculty. 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 11

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 16.

Article 12

After the votes have been counted, the Electoral Committee will first establish the electoral quota for each delegation / district. In accordance with the Elections Act 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 13

If a particular candidate receives at least as many preferential votes as two thirds of the electoral quota, the candidate will be declared elected irrespective of the candidate's position on the list and ranked at the top of the list in accordance with the number of votes cast. Candidates who have received fewer votes than two thirds of the electoral quota will be ranked thereunder in accordance with the order of the list submitted, and will be declared elected if there are sufficient seats. The final order on the list is also important for those who have not been elected, in the event that an interim vacancy is to be filled, see Article 15.

Article 14

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

Article 15

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If an interim vacancy needs to be filled, the 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 that list contains no unelected candidates will the unfilled seat be allocated to one of the other lists within the delegation or district, with the application of the remaining seat procedure (Article 12(4)).

With effect from 2012, a third optional paragraph has been added to Article 15. This option makes it possible to organise interim elections on a one-off basis for any vacant seats in the staff delegation. For organisational reasons, these interim elections may only be held at the same time as the annual elections for the student delegation.

A more flexible provision was also added in 2017, making it possible that if vacancies arise as a result of the districts, these may be filled by a delegate other than within those districts.

Article 16

This final provision gives the Electoral Committee the authority to decide in cases not provided for in the electoral regulations.