



AHK Regulations for Participation in Decision-making

as referred to in article 10.21 of the Dutch Higher Education and Research Act

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1. General provisions

Article 1.1 General

1. The university has a participation council, which is referred to as the University Council (UC).
2. A representative council is attached to each organisational unit.
3. A programme committee is attached to a study programme or group of study programmes.
4. The regulations for participation in decision-making include provisions that relate to the UC, the representative councils and the programme committees.
5. The provisions relating to the UC are equally applicable to a representative council as much as possible, on the understanding that the powers and duties of a representative council only extend to matters that concern the relevant organisational unit in particular and the powers in question are also conferred to the (academy) board.
6. The Executive Board adopts the regulations for participating in decision-making. Adoption or amendments to these regulations require the prior consent of at least two thirds of the UC members.

Article 1.2 Facilities and training; no disadvantage

1. The Executive Board is responsible for ensuring there are adequate facilities for the benefit of the UC. The director is responsible for ensuring there are adequate facilities for the benefit of the representative councils and the programme committees; this is taken to mean official, financial and legal support and training reasonably required by the UC/representative council/programme committee with a view to the performance of their duties.
2. The Executive Board/the director shall ensure that the members, former and prospective members of the UC/representative council/programme committee, are not disadvantaged in their position at the University in connection herewith.
3. The Executive Board and the UC have adopted facilities regulations.
4. The director and the representative council/ programme committee will draw up (internal) regulations in which matters of an internal nature and agreements about facilitation are included.

Article 1.3 Special responsibilities; annual report

1. The UC and the representative councils shall guard against discrimination on any grounds whatsoever and promote the equal treatment of persons and



groups of persons.

2. The UC and the representative councils shall promote openness, public access and joint consultation at the University.
3. The UC, the representative councils and the programme committees will publish a written report annually.

2. University council

Article 2.1 Composition

1. The UC consists of fourteen members: at least one student member and one staff member per academy, plus a representative from the Service Bureau. The fourteenth member is elected from amongst and by all students of the Amsterdam University of the Arts (AHK).
2. The members of the UC are elected by and from amongst students and staff members of the University community. Further rules with regard to elections and the organisation thereof are set out in the Election Regulations.
3. Students who are legally enrolled and staff members with an employment contract in accordance with the Collective Labour Agreement for Universities of Applied Sciences (*cao-hbo*) are entitled to vote and stand for election.
4. Membership of the Supervisory Board, the Executive Board and (academy) board is incompatible with that of the UC.

Article 2.2 Electing the (deputy) chairperson; support

1. The UC elects a chairperson and a deputy chairperson from amongst its members.
2. The chairperson of the UC, or the deputy chairperson in his or her absence, represents the UC legally and otherwise.
3. The Executive Board is responsible for the official support of the UC.
4. The chairperson, the deputy chairperson and the official secretary form the Executive Committee of the UC.

Article 2.3 Term of office; termination of membership

1. Members of the UC serve for a period of three years. Retiring members are immediately eligible for re-election.
2. A member can serve in the Council for a maximum of six consecutive years. After an interval of three years, the right to stand for election is restored.
3. Membership is terminated:
 - at the end of the term of office;
 - if the requirements regarding the right to stand for election are no longer met, i.e. students' enrolment is terminated or staff members are no longer employed by the AHK;
 - at one's own request;

Article 2.4 Consultation; public access; imposing confidentiality

1. The UC and Executive Board regularly consult with each other.
2. The Executive Board discusses the general course of affairs at the University with the UC at least two times per year, including the developments within the academies.
3. In addition to the regular consultation as referred to in the first subsection, the UC and the Executive Board can meet if so requested by the UC or the Executive Board stating reasons.
4. The consultative meeting is chaired by the chairperson of the UC or his deputy.
5. The UC may decide to seek advice from internal and/or external experts.
6. The meetings of the UC are open to members of the University community. The UC meets behind closed doors if the personal interest of a member of the University community requires this, if the Executive Board has imposed confidentiality or in those instances where the chairperson decides to declare the meeting closed.
7. If confidentiality is imposed, the subject and time period it concerns will always be specified. The duty to maintain confidentiality continues to exist after termination of membership to the UC and after ties to the University have ended.



Article 2.5 Timely provision of information

1. The Executive Board shall ensure that the UC possesses the required information for the performance of its duties and shall request consent or advice in a timely manner, so that the opinions of the Council may have a substantial influence on the decision-making process.
2. The UC may request information from each body of the University or ask for advice from a representative council.
3. The UC and the Executive Board may lay down further agreements within internal regulations with regard to the order of the meeting and other matters that could facilitate efficient consultation. The UC shall lay down the internal regulations following approval by the Executive Board.

Article 2.6 One-off request for consent/advice; time frame

1. Consent or advice on the matter concerned only needs to be requested once.
2. Unless the Executive Board or the UC agrees otherwise, the time frame for consent or advice is six weeks after the date of such a request. If no consent has been granted or advice given within that time frame, consent will be deemed to have been granted or a neutral recommendation to have been given.
3. If the period of time referred to in the previous subsection ends on a day that falls within the summer or Christmas holidays set by the University, then it will be extended by six and two weeks respectively.

Article 2.7 Decision-making; quorum; voting

1. In order to make decisions, a quorum of two thirds of the total members is required.
2. The UC shall decide with a simple majority of votes validly cast, unless a qualified majority is required in accordance with the law, the articles, the management regulations or these regulations. Blank votes and abstentions are not counted.
3. If the votes are tied, the proposal is rejected.
4. Votes are cast orally for issues, but by ballot where people are concerned. The chairperson of the UC can determine that the votes should be cast confidentially.
5. A member of the Council may authorise another member to cast his or her vote. A member may cast one vote by proxy. When determining the quorum, votes cast by proxy also count.
6. The UC records the decision in writing after a consultative meeting and sends this - if necessary with a clarification - to the Executive Board, with due observance of the period of time specified under article 2.6.2.
7. The chairperson can decide to adjourn the meeting if one of the consultation parties so requests.
8. If the quorum specified under 2.7.2 is lacking or if it is decided not to proceed to a vote during the meeting, the UC can decide to proceed to a vote by ballot within the time frame specified under article 2.6.2, after which article 2.7.6 shall apply.

3. Rights and powers

Article 3.1 Right to information

The Executive Board shall inform the UC in a timely fashion about those developments at the University which the UC should be aware of in order to perform its duties properly.

Article 3.2 Making views known

The UC is always entitled to make its views known to the Executive Board about all matters which concern the University and to make proposals. The Executive Board shall communicate a reasoned response to those proposals to the UC within two months and will subsequently hold consultations with the UC about that.

Article 3.3 UC powers of approval

1. Notwithstanding the provisions of the law, the statutes, the management regulations and all other relevant points specified in these regulations, the Executive Board shall request prior approval from the UC about each decision to be taken by the Executive Board with respect to at least the adoption or amendment of:
 - a. the institutional plan;



- b. the design of the AHK quality assurance system, as well as the proposed policy in light of the results of the Institutional Quality Assurance Audit;
 - c. the Student Charter;
 - d. the management regulations;
 - e. regulations relating to working conditions;
 - f. the choice of systems for participation in decision-making;
 - g. the policy of the University with regard to the financial support of students;
 - h. a decision to merge the University;
 - i. the main features of the annual budget, in which attention is paid, in any case, to the envisaged allocation of the resources for the policy areas of teaching, research, accommodation and management, investments and staff;
 - j. the regulations for participation in decision-making*;
2. The University Board requires the prior approval of that part of the participation council that is elected from and by **staff**, for each decision to be taken by the University Board with regard to matters of general importance for the special legal status of the staff at the University.
 3. * Notwithstanding the provisions in article 2.6, second and third subsections, the UC will consider the advice given to it by the academy councils when exercising its power of approval with respect to the regulations for participating in decision-making.
 4. Powers of approval are not exercised if the matter concerned has already been provided for under or in accordance with the statutory provisions, a collective labour agreement, or if agreement has been reached about this in the local consultations with the trade unions.

Article 3.4 UC advisory powers; student advisory powers

1. Notwithstanding the provisions of the law, the statutes, the management regulations and all points subject to the UC powers of approval, the Executive Board shall request prior advice from the UC about each decision to be taken by the Executive Board with respect to:
 - a. matters that concern the objectives, the continued existence and the smooth running of the University, including an institutional merger and an administrative merger;
 - b. the budget, on the basis of which, among other things, the amount of the institutional tuition fees and the statutory tuition fees should be established*.
2. The Executive Board shall request advice in advance from that part of the participation council that is elected from and by **students**, for each decision to be taken by the Executive Board, in any case with regard to:
 - a. the general staffing and appointments policy;
 - b. the policy with regard to the institutional tuition fees;
 - c. the regulations of the University Board with regard to reimbursement of the statutory tuition fees;
 - d. the regulations that the University Board adopts with respect to the criteria and procedure for dispensation of payment of the higher tuition fees.
3. * Notwithstanding the provisions in article 2.6, second and third subsections, the UC will consider the views of the academy councils with regard to the academy budgets when exercising its advisory power with respect to the budget.

Article 3.5 Special powers of the UC

1. The UC is offered the opportunity to give advice to the Supervisory Board on the profiles for the members of the Executive Board.
2. Both a student member and a staff member of the UC will be included in the selection committee of the Supervisory Board for the appointment of new members of the Executive Board.
3. Before proceeding to appoint or remove a member of the Executive Board, the UC will be consulted confidentially about the proposed decision regarding appointment or removal. The consultation shall take place at such a time that it can be of substantial influence on the decision-making process.
4. The UC is offered the opportunity to give advice on the appointment and removal of the members of the Executive Board to the Supervisory Board.
5. The Supervisory Board holds consultations with the UC at least twice per year.
6. One of the members of the Supervisory Board will be appointed on the recommendation



of the UC.

7. The UC is offered the opportunity to give advice to the Supervisory Board on the profiles for the members of the Supervisory Board.

Article 3.6 Exercise of rights and powers

Members of the UC shall exercise their rights and powers as referred to in this chapter without hindrance.

Article 3.7 No authority with regard to matters relating to legal status

The powers of the UC do not pertain to matters relating to legal status that are exclusively the subject of discussion during consultations with trade unions under or in accordance with the provisions of the law or collective labour agreement.

Article 3.8 Other powers of the UC regarding staff delegation - Labour Inspectorate

1. In view of the Working Conditions Act and Working Conditions Decree, the UC's staff delegation is:
 - a. given the opportunity to speak to the supervisor of the Labour Inspectorate during his or her visit to the University without others being present;
 - b. given the opportunity to accompany the supervisor during his or her visit to the University, except if he or she has made it known that objections have been raised against this on account of proper performance of his or her duties;
 - c. entitled to submit a request for application of the law.

4. Representative councils

Article 4.1 General

1. A representative council is attached to each organisational unit, an academy council (AC) for the academies and an employee consultative body for the Service Bureau with powers of a representative council as referred to in article 10.25 of the Higher Education and Research Act.
2. A representative council focuses on the organisational unit (academy or Service Bureau) for which it is established and does not deal with any matters that pertain to participation in decision-making within the University Council.

Article 4.2 Delegation of duties and powers in the event of dissolution

1. Following consultation with the UC, the Executive Board may decide to delegate the powers and duties of a representative council to the UC if and insofar as a representative council dissolves during a period of six months or longer. A representative council may be deemed to have dissolved if the number of members serving on the council amounts to less than half of the number of seats established.¹
2. A decision, as referred to in the previous subsection, also includes a period during which there is a delegation of powers and duties. The period amounts to at least one year and is consecutively extended as long as the dissolution lasts.

Article 4.3 Composition; elections; term of office and termination of membership

1. An academy council has at least six and no more than ten members. If the number of serving members falls under six, the remaining members will remain authorised to act as a representative council unless a decision, as referred to in article 4.2, stands in the way of this.
2. An academy council consists of an even number of members; the council shall include an equal number of staff and student members.
3. The employee consultative body shall consist of at least three and no more than five members who are elected by and from amongst the staff. If the number of serving members falls under three, the remaining members will remain authorised to act as a representative council unless a decision, as referred to in article 4.2, stands in the way of this.
4. With regard to elections, term of office and termination of membership of an

¹ Situations may arise where advice or consent from a representative council is necessary in order for a decision to be legally valid. This subsection prevents certain decisions or measures not being able to be taken because no advice or consent can be given.



academy council, article 2.3 and the Election Regulations shall apply by analogy.

5. Membership of the Supervisory Board, the Executive Board and the (academy) management is incompatible with that of a representative council.

Article 4.4 Consultation and decision-making

1. The (academy) management shall consult the representative council periodically.
2. A representative council shall convene at least two times per year.
3. In order to make decisions connected with the exercise of the powers referred to in article 4.7, a quorum of two thirds of the total members is required.

Article 4.5 Right to information

A representative council shall be informed by the (academy) management in a timely fashion about those developments at the academy which the representative council should be aware of in order to perform its duties properly.

Article 4.6 Making views known

A representative council is always entitled to make its views known to the (academy) management about all matters which concern the academy or the Service Bureau and to make proposals. The (academy) management shall communicate a reasoned response to those proposals to the representative council within two months and will subsequently hold consultations with the representative council about that.

Article 4.7 Powers as representative council

1. The representative council has the authority to approve:
 - a. the (academy) quality assurance plan, as well as the proposed policy in light of the results of the limited study programme assessment;
 - b. parts of the Education and Examination Regulations of study programmes of the academy, as specified in the appendix Education and Examination Regulations rights of consent.
2. The staff delegation of the representative council has the authority to approve each decision to be taken by the director with regard to matters of general importance for the special legal status of the staff of the academy or the Service Bureau.
3. The representative council has the right to give advice on the (academy) policy plan.
4. The **student delegation** of the representative council, other than the Service Bureau representative council, has the right to give advice on:
 - a. the academy staffing and appointments policy;
 - b. the regulations for the selection criteria and selection procedure;
 - c. the regulations with regard to the selection;
 - d. the regulations that the academy management adopts concerning the advice on choice of study programme and study choice activities.
5. The representative council gives its advice to the UC with regard to its portion of the budget and the regulations for participation in decision-making.

Article 4.8 Making views known with regard to the spending of financial resources

1. The (academy) management offers the representative council the opportunity to discuss its policy proposals regarding the spending of the allocated financial resources after the Executive Board has determined the allocation of financial resources.
2. The representative council communicates its views regarding those policy proposals to the UC before it gives advice on the University budget.

5. Programme committees

Article 5.1 Programme committees; duties and powers

1. A programme committee is charged with giving advice about promoting and safeguarding the quality of the study programme.



Furthermore, the committee:

- a. has right of consent with respect to parts of the Education and Examination Regulations as specified in the appendix Education and Examination Regulations rights of consent.
 - b. has right of consent with respect to the article concerned in the management and administrative regulations in which a different way of composing the programme committee is set out than through elections. Whether or not it is desirable to maintain the different manner of composition will be determined annually,
 - c. is charged with the annual assessment of the manner of implementing the Education and Examination Regulations,
 - d. has the right to give advice on the Education and Examination Regulations, with the exception of the subjects in respect of which the committee has right of consent based on part a;
 - e. Has the right to give advice if so requested or of its own volition to the academy management and the academy council on all other matters concerning the education in the study programme in question, including:
 - a. study load;
 - b. testing and assessment;
 - c. the content of the curricula and the alignment with developments in the professional field;
 - d. cooperation and exchange programmes with other study programmes and institutions;
 - e. study and student facilities;
 - f. the internship policy;
 - g. student satisfaction survey, course evaluations and the policy in response to their results;
 - h. the alumni policy;
 - i. the study timetable and timetable-free periods.
2. The programme committee is authorised to invite the academy management at least two times per year in order to discuss the proposed policy on the basis of an agenda drawn up by it.

Article 5.2 Composition; elections; term of office and termination of membership

1. A programme committee has at least four and no more than ten members.
2. Half of the programme committee consists of staff members and half of student members.
3. Whether members of the programme committee are elected or appointed is specified per academy in the management regulations.
4. With regard to elections, term of office and termination of membership of a programme committee, article 2.3 and the Election Regulations shall apply by analogy.
5. Membership of the Executive Board, the academy management and the management of a study programme is incompatible with that of a programme committee.

Article 5.3 Consultation and decision-making

1. The (academy) management, or the artistic leader/programme director given a mandate to that end, shall consult the programme committee periodically.
2. A programme committee shall convene at least two times per year.
3. In order to make decisions connected with the exercise of the powers referred to in article 5.1, a quorum of two thirds of the total members is required.

6 Disputes

Article 6.1 Disputes committee

1. The university is affiliated with the *Landelijke Commissie voor Geschillen medezeggenschap Hoger Onderwijs* (National Committee for the resolution of disputes concerning participation in decision-making within Higher



- Education)
2. The disputes committee, referred to in article 10.26, with reference to article 9.39 of the Dutch Higher Education and Research Act, takes note of disputes between a UC and the Executive Board, between a representative council and (academy) management, or between a programme committee and academy management, about:
 - a. the creation of, amendment to or application of the regulations concerning participation in decision-making;
 - b. disputes that stem from the general powers of the participation councils, the powers of approval, the advisory powers and the regulations concerning participation in decision-making.

Article 6.2 Procedure

1. If there is a dispute between the representative council and the (academy) management or the programme committee and the academy management, the Executive Board will investigate if an amicable settlement between the parties is possible.
2. If there is a dispute between the UC and the Executive Board, the Supervisory Board will investigate if an amicable settlement is possible.
3. If an amicable settlement does not turn out to be possible, the participation council concerned, or the Executive Board or the (academy) management, will refer the dispute to the disputes committee.
4. If the dispute relates to not or not entirely following the advice of a representative advisory body, the implementation of the decision will be put on hold for four weeks, unless the body concerned does not have any objections to immediate implementation of the decision.
5. The disputes committee is authorised to effect an amicable settlement between the parties. If no amicable settlement is reached, the disputes committee will resolve a dispute submitted to it by making a binding decision, whereby it assesses if:
 - a. the Executive Board or the (academy) management has complied with the requirements of the law and the regulations;
 - b. the Executive Board or the (academy) management has been able to reasonably reach the proposal or the decision while weighing up the interests concerned, and
 - c. the Executive Board or the (academy) management has acted negligently towards the participation council concerned.
6. The further procedure with regard to the disputes process is described in article 9.40 and 9.46 of the Dutch Higher Education and Research Act.

7. Entry into force; final provisions

Article 7.1 Entry into force

1. These regulations shall enter into force the day after they are adopted by the Executive Board, although not before the UC has given its consent to them with a majority of two thirds of its members.
2. The regulations concerning participation in decision-making which apply until that date will then cease to be effective.

Article 7.2 Evaluation; unforeseen cases

1. Evaluation of these regulations will take place two years after their entry into force. For the purpose of that evaluation, the Executive Board and the UC will draw up a list of items for consideration.
2. In cases not provided for in these regulations, the Executive Board will decide, after consulting the UC.

Article 7.3 Short title

These regulations can be cited as the AHK Regulations for Participation in Decision-making.

These regulations were adopted by the Executive Board on 6 December 2017 following approval by the University Council on 28 November 2017.



Accompanying documents:

**ELECTION REGULATIONS ON PARTICIPATION IN DECISION-MAKING
as referred to in article 2.1 of the Regulations for participation in decision-making
REPRESENTATIVE COUNCILS / PROGRAMME COMMITTEES REGULATIONS**

FACILITIES REGULATIONS AHK UNIVERSITY

COUNCIL

**Overview rights of consent Education and Examination Regulations – Education
Inspectorate and Ministry of Education, Culture and Science**