



Regulations AHK Representative Advisory Board

as specified in article 10.21 WHW

1. GENERAL TERMS; HOGESCHOOL BOARD & FACULTY COUNCILS
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1 General terms

Article 1.1 Hogeschool board and faculty councils

1. The Hogeschool has a representative advisory board known as the hogeschool board (HR).
2. Each faculty has a faculty council (FR) as stipulated in article 5.1.
3. The representative advisory regulation lists the provisions that apply to the HR and the faculty councils.
4. Provisions that apply to the HR are also valid – as much as possible - for the faculty council, bearing in mind that faculty council powers and tasks only relate to matters of the faculty in question.
5. The Board of Directors decides on representative advisory board regulations. Determining or amending these regulations requires the preliminary approval of at least two thirds of HR members.

Article 1.2 Facilities and schooling; not detrimental

1. The Board of Directors is responsible for providing the HR with sufficient facilities; including such schooling facilities as reasonably required by the HR in order to adequately perform its tasks.
2. The Board of Directors is responsible for ensuring that the hogeschool position of former, aspirant and current members of the HR, are not affected by their activities in this capacity.

Article 1.3 Special task; annual report

1. The HR strives to combat discrimination on any grounds whatsoever and promotes the equal treatment of persons and groups.
2. The HR promotes openness, transparency, and mutual discussion within the hogeschool.
3. The HR publishes an annual report of its activities.

2 Structure; term of office; consultation and decision making

Article 2.1 Structure

1. The HR consists of a maximum of thirteen members: one student member and one staff member per faculty, plus a representative of the Servicebureau.



2. Two members of each faculty have seats on the HR, i.e. one student and one staff member as well as an employee of the Servicebureau.
3. The members of the HR are chosen by and from students and staff of the hogeschool community, bearing in mind that candidacy and voting rights are only exercised within the faculty where students follow a study and staff members perform their main duties. (electoral district)
4. Legally registered students and staff with an employment contract that conforms to cao guidelines for HBO institutes, have active and passive voting rights.
5. Faculty directors, members of the Raad van Toezicht (Supervisory Board) or members of the Board of Directors cannot serve on the HR.

Article 2.2 Choosing a (deputy) chairman; support

1. From among its members, the HR chooses a chairman and a deputy chairman.
2. The chairman of the HR, or in his/her absence, the deputy chairman, represents the HR judicially and extrajudicially.
3. The Board of Directors is responsible for the administrative support of the HR.

Article 2.3 Term of office; ending membership

1. Members of the HR hold a seat for a period of two years. A member who resigns can be reelected immediately.
2. A member may hold his/her seat for a maximum of four years consecutively. After an interval of two years, passive voting rights are reinstated.
3. The filling of an interim vacancy occurs for the remaining term of office. If this time is shorter than a year however, it does not count towards the term of office as referred to in article 2.
4. In the case of an interim vacancy, HR will contact the first eligible candidate according to the election results certified by the election committee with four weeks after the vacancy occurs. If this candidate is still available for HR membership, his/her candidacy will be announced on the MyAHK page of the relevant faculty for a period of ten days. During this time, other interested candidates for this position may apply. If nobody applies, the candidate is automatically chosen for the remaining time. If one or more other candidates make an application, new elections will be held for the remaining term of office.
5. Membership ends:
 - when the term of office expires,
 - if passive voting rights requirements are no longer met,
 - at a member's own request,
 - if a member dies.

Article 2.4 Consultation; public disclosure; imposing confidentiality

1. HR and the Board of Directors meet for consultation at regular intervals.
2. At least twice annually, the Board of Directors and the HR discuss the general course of events at the hogeschool, including developments at the different faculties.
3. Besides the periodic consultation referred to under clause 1, the HR and the Board of Directors may convene for special reasons if called on by either the HR or Board of Directors.



4. The HR may decide to obtain advice from external experts.
5. The HR meetings are open to members of the hogeschool community. The HR will convene behind closed doors if the personal interests of a member of the hogeschool community are at stake or if the Board of Directors insists on confidentiality.
6. If confidentiality is imposed, the subject and time period is always given. The obligation for confidentiality expires when HR membership or affiliation with the hogeschool has ended.

Article 2.5 Timely supply of information; in-house regulations

- 1 The Board of Directors is responsible for supplying the HR with all necessary information it needs to carry out its tasks and should seek the HR's advice or approval in good time, so that the opinions of the HR have a real influence on decision making.
- 2 The HR can request information from any department in the hogeschool or ask divisional councils for advice.
- 3 In-house regulations specify agreements made by the HR and the Board of Directors about how meetings should be conducted and other matters that promote effective consultation.

Article 2.6 Once only request for approval/advice; time period

1. Advice or approval about the same matter need only be requested once.
2. Unless the Board of Directors and HR have agreed otherwise, the time period for approval or advice is six weeks after the request has been submitted. If no approval or advice is forthcoming within this time, abstention or endorsement of the request is assumed.
3. If the time period as referred to under the previous clause expires on a day during a summer or Christmas holiday sanctioned by the hogeschool, it will be extended proportionately with a maximum of six, respectively two weeks.

Article 2.7 Decision making; quorum; voting

1. The HR only decides on issues put on the agenda in meetings with the Board of Directors unless otherwise agreed upon by the HR and the Board of Directors.
2. Decision making requires a quorum comprising two thirds of members.
3. The decision of the HR is based on the majority of valid votes cast, unless the law, the statutes, administrative regulations or this regulation prescribes a qualified majority. Blank votes and abstentions are not included.
4. If voting on a proposal is abandoned, the proposal is rejected.
5. Voting on issues takes place orally; when individuals are concerned, written votes will be cast.
6. A member of the board can authorize another member to vote for him/her. A member may cast a maximum of one vote by proxy. When determining a quorum, votes cast by proxy also count.
7. After the meeting, the HR makes a written record of the decision and sends it to the Board of Directors, if necessary with a clarification, taking into regard the time limit as specified in article 2.6.2.



8. The chairman of the HR can decide to suspend the meeting if one or more of the HR members request this.
9. If a quorum as referred to under article 2.7.2 is lacking or if it is decided not to vote during the meeting, the HR can submit a written advice or approval to the Board of Directors, within the time period stipulated in article 2.6.2.

3 Rights and powers

Article 3.1 Right to information

To insure the HR can perform its tasks satisfactorily, the Board of Directors will inform it in good time about relevant developments at the hogeschool.

Article 3.2 Making viewpoints known

The HR is authorized to express its viewpoints and offer proposals to the Board of Directors about all matters concerning the hogeschool. Within two months, the Board of Directors will give a motivated response to a submitted proposal and subsequently discuss it with the HR.

Article 3.3 Powers of endorsement

1. Not detracting from that specified by law, the statutes, administrative regulations and all other relevant points referred to in these regulations, the Board of Directors will ask prior approval of the HR about each decision to be taken by the Board with regard to the establishment or amendment of:
 - a. merger of the hogeschool;
 - b. key issues of hogeschool policy, including a major decrease or increase in work at the hogeschool and entering into or cancelling longstanding collaborative ties with other educational institutes;
 - c. administrative regulations;
 - d. regulations of the representative advisory board;
 - e. education and exam regulations, except those subjects specified in article 7.13, second clause under a through g, WHW;
 - f. the student statute, including admission policy, policy regarding student facilities, student funding and more detailed regulations about other financial contributions as stipulated in article 7.46, first clause WHW;
 - g. hogeschool regulations with regard to protection of personal data, registration of students and combating sexual intimidation and aggression;
 - h. structure of the quality assurance and proposed policy as a consequence of assessment results;
 - i. hogeschool policy with regard to student funding;
 - j. rules with regard to labour conditions, and
 - k. matters of general interest for the special legal position of staff working at the hogeschool under a cao-HBO labour agreement;
2. Only the staff faction is authorized to take decisions with regard to points j and k of the preceding clause.
3. Not detracting from that stipulated under article 2.6, second and third clause, the HR, in exercising its authority with regard to education and exam regulations, will take into consideration advice offered by the faculty council.



4. Powers of approval will not be exercised if the matter in question has already been substantively resolved by invoking legal regulations, a collective labour agreement or a settlement has been reached through local consultation with a trades union.

Article 3.4 **Advisory powers**

1. Not detracting from that specified by law, the statutes, administrative regulations and other points dictated by this regulation, the Board of Directors will ask prior advice from HR about each decision taken by the board with regard to establishing or amending:
 - a. the hogeschool budget;
 - b. general staff- and nomination policy;
 - c. reorganization and regulating the consequences thereof for staff;
 - d. the height of institution costs¹ for tuition and exam fees;
 - e. study programmes being offered;
 - f. the basic outline of housing policy;
 - g. implementing regulations for staff holidays and leave-taking
 - h. regulations that contain rights and/or obligations for members of the hogeschool community or important categories thereof, insofar that rights and obligations have not already been dictated or allocated by law, the cao-HBO, the statutes, administrative regulations or this regulation.
 - i. the general profile sketch for members of the Raad van Toezicht (Supervisory Board)
 - j. the disputes committee affiliated with the hogeschool.
2. Without detracting from that specified in article 2.6, second and third clause, the HR will weigh viewpoints received from the faculty councils according to article 5.8, second clause and include these in its advice regarding the hogeschool budget.
3. The student members of the HR will be given the opportunity to offer advice on matters as specified in article 3.3, first clause under j and k, insofar powers of approval of student members' apply.

Article 3.5 **Exercising rights and powers**

HR members exercise their rights and powers as specified in this chapter without hindrance.

Article 3.6 **No powers with regard to matters of legal status**

The HR has no powers with respect to matters of legal status that in accordance with that specified in the law or a collective labour agreement, are only subject of discussion during consultations with the trade union.

Article 3.7 **Other powers**

With regard to the Working Conditions Act (Arbeidsomstandighedenwet) and the Working Conditions Decree (Arbeidsomstandighedenbesluit), HR staff members are authorized to:

- a. make their viewpoints known;

¹ Rate of tuition fee for students who have already obtained a bachelor's or master's degree and want to pursue a second study programme leading to a degree at the same level or at a lower level.



- b. be heard by the labour inspection;
- c. submit a request for implementation of the law;
- d. submit an official complaint.

4 Elections

Article 4.1

1. The HR is in charge and responsible for the elections. From among its members it chooses an election committee that will oversee the preparations and organization of the elections.
2. After consulting with the Board of Directors, the HR decides on a date for the elections. The hogeschool community will be informed of the election date in good time.
3. Election of the respective member factions take place on alternate years, i.e. one year the student faction is chosen while the following year staff elections are held.
4. Candidates can be nominated up to two weeks before the election date at the latest.
5. The election committee will investigate if candidates comply with passive voting rights and subsequently draws up a final list of candidates, at the latest two weeks before the fixed election date.
6. No elections will be held if the number of candidates nominated does not exceed the vacant seats in the HR for the electorate in question as stipulated in article 2.1, third clause. In that case, the nominated candidates will be considered to have been chosen.

Article 4.2

1. Casting of votes is by way of secret, written or electronic ballot according to a set list of candidates.
2. Within their own electorate, students each cast one vote on the candidate of their choice from the student faction, while staff members vote for a candidate from the staff faction.
3. The candidates with the most votes will be chosen. If equal votes are cast, a new ballot will be held within two weeks for the candidates with the most votes. If equal votes are cast again, a flip of the coin will decide.
4. After the ballot, the election committee will establish the result and immediately inform the hogeschool community.
5. If the election committee detects irregularities during the ballot, it will immediately inform the HR and the Board of Directors in writing before confirming the final result, so that fitting measures can be taken to correct any faults.

Article 4.3

The election regulations (kiesreglement) may specify further rules for a proper election process. After approval by the Board of Directors, the HR will establish the election regulations.

5 Faculty councils



Article 5.1 Faculty councils; tasks and powers

1. Each faculty has a faculty council which exercises the powers of a divisional council as stipulated in article 10.25 WHW and has the tasks of an educational committee as specified in article 10.3c WHW.
2. A faculty council focuses on faculty affairs, i.e. the study programmes for which it has been established and does not deal with matters that transcend faculty interests.

Article 5.2 Transfer of tasks and powers due to incapacity of the council

1. After consultation with the HR, the Board of Directors may decide to transfer the tasks and powers of the faculty council if during a period of six months or longer, the faculty council is incapable of performing its tasks. The faculty council may be deemed incapacitated if the number of seated members amounts to less than half of the available seats.²
2. A decision as stated in the previous clause, also states for what length of time tasks and powers have been transferred. The length of time is for at least a year but can be extended if the faculty council in question remains inoperative.

Article 5.3 Composition; election; term of office and termination of membership

1. A faculty council has six members. A faculty council may propose to the Board of Directors to increase its membership to a maximum of ten during a certain period to be determined by the faculty council in consultation with the faculty director and the Hogeschool Board. If there are less than six seated members, the remaining members continue to wield the powers of a faculty council unless blocked by a resolution as stipulated in article 5.2.
2. A faculty council is jointly compiled. Seated on the council are staff representatives chosen by members of staff and student representatives chosen by students, of the relevant faculty. At least half of the staff representatives are teachers at the hogeschool.
3. With regard to election, term of office and termination of faculty council membership, chapter four is equally applicable.
4. Membership of The Supervisory Board, The Board of Directors and the faculty directorate are incompatible with that of the faculty council.

Article 5.4 Consultation and decision making

1. The faculty directorate consults periodically with the faculty council.
2. A faculty council convenes at least four times per year.
3. Decision making consistent with the exercising of its powers as stated in article 5.7, requires a quorum of two thirds of faculty council members.

Article 5.5 Right to information

² In some situations it may be necessary to seek advice or approval from a faculty council in order to make a decision legally binding. This clause aims to preclude not being able to take certain decisions or measures because no advice or approval can be given.



To allow the faculty council to perform its tasks competently, the faculty directorate will notify it of relevant developments in good time.

Article 5.6 Making viewpoints known

With regard to faculty affairs, a faculty council is always authorized to air its views and submit proposals to the faculty directorate. The faculty directorate will give a motivated reaction to proposals within two months and subsequently discuss these with the faculty council.

Article 5.7 Powers of the divisional council

1. Not detracted from that stipulated in these regulations, a faculty council in its capacity as divisional council, has powers of approval with regard to:
 - a. the faculty regulations, with the exception of study programmes offered;
 - b. the study programme section of the student statute;
 - c. policy with regard to how house rules are implemented;
 - d. policy with regard to awarding certificates, study affirmations and giving study advice.
2. Not detracting from that stipulated in these regulations, a faculty council has powers of approval with regard to:
 - a. periodic faculty plan making (policy agenda);
 - b. important amendments to education and exam regulations;
 - c. policy with regard to creating or abolishing graduation specializations;
 - d. policy with regard to setting up a work meeting;
 - e. policy with regard to dealing with complaints.
3. A faculty council will inform the HR of its advice concerning important amendments to the education and exam regulations as presented to it by the faculty director.

Article 5.8 Announcing viewpoint with regard to use of funding

1. After the Board of Directors has determined the apportionment of funds, the faculty directorate will ask the faculty council to discuss its policy proposals for the allocated funding.
2. The faculty council will inform the HR of its viewpoint regarding the policy proposals before the HR announces its advice on the hogeschool budget.

Article 5.9 Tiebreak procedure; powers of approval

1. A proposed resolution by the faculty directorate that fails to gain the necessary endorsement of the faculty council, may be submitted to the Board of Directors and the HR if the faculty directorate insists on pursuing it.
2. The Board of Directors and the HR can submit a joint proposal to the faculty directorate and the faculty council to settle the dispute. If a joint proposal cannot be formulated or approval cannot be reached, the Board of Directors will decide after first giving the HR an opportunity to offer advice.

Article 5.10 Tasks of the education committee

1. A faculty council has, in its capacity as education committee, the task of consulting with the faculty directorate and advising it on the following subjects:
 - a. evaluation of the education and examination regulations;



- b. study load, through-flow and study yield;
 - c. testing and evaluations;
 - d. the contents of the curricula and compatibility with developments in the professional field;
 - e. collaboration and exchange programmes with other study programmes and institutes;
 - f. study and student facilities;
 - g. internship policy;
 - h. student satisfaction survey;
 - i. policy regarding alumni;
 - j. student roster and roster-free periods.
2. The advice as meant in the former clause should not be understood as advisory powers in the sense of co-determination.
 3. Both the faculty directorate and the study programme committee may place topics on the agenda for consultation.
 4. The faculty directorate will report annually to the Board of Directors on those subjects discussed regarding this paragraph, who in turn will confer with the HR about the report.

6 Disputes

Article 6.1 Disputes committee

1. The hogeschool is affiliated with the National Committee for co-determination in education (Landelijke Commissie voor geschillen medezeggenschap onderwijs), an initiative of the foundation for Education Disputes (stichting Onderwijsgeschillen) in Utrecht.
2. If the Board of Directors or the HR addresses the disputes committee concerning a dispute as referred to in this chapter, they will inform each other immediately.

Article 6.2 Power of approval for disputes

1. If a resolution by Board of Directors submitted to the HR fails to gain the necessary approval, the Board of Directors may inform the HR of its intention to withdraw the proposal or submit it to the disputes committee. If no announcement concerning this is made within three months, the proposed resolution will be cancelled.
2. The disputes committee is authorized to present a conciliation proposal, unless the Board of Directors or the HR decide against such an initiative.
3. The verdict of the disputes committee is binding for the Board of Directors and the HR.

Article 6.3 Disputes regarding advisory powers

1. If the Board of Directors passes a resolution which necessitates the advice of the HR, but fails to follow this advice or only in part, the Board of Directors and the HR will meet for consultation. Unless the HR indicates it has no objections to implementation of the resolution, its realization will be suspended for a period of four weeks.
2. If the Board of Directors informs the HR of its intention to pass a resolution the HR has advised against, the HR can within four weeks ask the disputes committee to



look into the matter if - in its opinion - the interests of the hogeschool or the HR are seriously jeopardized. While the request is under consideration, postponement of the resolution, as specified in the first clause, will not be extended unless the Board of Directors decides otherwise.

3. The disputes committee is authorized to present a proposal for conciliation, unless the Board of Directors or the HR oppose such an initiative.
4. The verdict of the disputes committee is binding for the Board of Directors and the HR.

Article 6.4 Interpretation disputes

The Board of Directors or the HR can submit an interpretation dispute concerning representative advisory issues, including that stipulated in the representative advisory regulations, to the disputes committee and request a binding verdict.

Article 6.5 Disputes concerning content of the HR regulations

1. When a proposed resolution by the Board of Directors to amend the representative advisory regulations does not gain the required approval of the HR, the Board of Directors or the HR will inform the other within three months if they plan to submit the proposed resolution to the disputes committee. If no decision is taken within three months, the proposed resolution will be annulled.
2. The disputes committee is authorized to present a conciliation proposal, unless the Board of Directors or the HR indicate they are not in favour of such an initiative.

7 Come into effect; final provisions

Article 7.1 Come into effect

1. These regulations come into effect on the day after they have been established by the Board of Directors, although not before they have been approved by the HR with a two-third majority.
2. The representative advisory regulations that applied up to that date will be revoked.

Article 7.2 First election; start first term of office

1. After these regulations come into effect, elections for the staff faction of the HR and the faculty councils will take place.
2. On 1 February 2009 it will be decided when the term of office commences for sitting members of the student faction and newly chosen members of the staff faction.

Article 7.3 Evaluation; unforeseen cases

1. Evaluation of this regulation will take place at the end of the new HR's first term of office. The Board of Directors and the HR will draw up points of interest with regard to the evaluation.
2. In cases not covered by these regulations, the Board of Directors will decide, taking into account the viewpoint of the HR.

Article 7.4 Citation

These regulations may be cited as Representative Advisory Regulations AHK (Medezeggenschapsreglement AHK).



Approved by the Central Representative Advisory Board/determined by the Board of Directors: 6 June 2012.

Amendments passed concern articles 2.1, 2.7, 4.1, 5.2 and 7.1.2.

Accompanying document:

ELECTION REGULATION

as specified in article 4.3 of the Representative Advisory Regulations