



## University Council Regulations

### CHAPTER 1 GENERAL PROVISIONS Article 1.1

#### Definitions

The following definitions apply to these regulations:

**Act, WHW:** the Higher Education and Research Act (*Wet op het Hoger Onderwijs en Wetenschappelijk Onderzoek*)

**University:** the University of Groningen

**Supervisory Board:** the Supervisory Board of the University as referred to in Article 9.8 of the WHW

**Board of the University:** the Board of the University as referred to in Article 9.2 of the WHW

**U-Raad:** the University Council

**Staff:** all employees who have a permanent or temporary appointment on the basis of a legal relationship under either private or public law with the University, regardless of the extent of the appointment. This also includes people who are appointed by the Netherlands Organisation for Scientific Research (NWO) or a similar organization and regularly work at the University in that capacity

**Student:** a person who is registered as a student at the University. This also includes PhD students and scholarship PhD students registered at the University as such

**PhD student:** a person who is registered for a PhD programme at the University of Groningen

**Scholarship PhD student:** a person who is registered for a PhD programme at the University of Groningen and is funded by a scholarship

**Consultative meeting:** a meeting between the University Council and the Board of the University

**Institutional plan:** a plan describing the content and specification of the proposed policy referred to in Article 2.2 of the WHW

**Consultative Participation Arbitration Board (geschillencommissie medezeggenschap):** the Arbitration Board for consultative participation matters as referred to in Article 9.39 of the WHW.

**Mandate:** the decision by the Board of the University to assign the exercising of certain powers to a Faculty Board or the management/manager of a service unit.

#### Article 1.2

All terms in these Regulations, to the extent that they are also mentioned in the legislation, have

the same definition as that assigned to them by law.

### **Article 1.3 Duties**

1. The University Council aims to promote openness, transparency and mutual discussion within the University.
2. The University Council is responsible for considering the views and interests of staff and students within the framework of the University's objectives concerning policy and decision-making.
3. In addition, the University Council is responsible for generally guarding against any form of discrimination and, in particular, promoting the equal treatment of men and women and inclusion of minorities and those with a functional impairment.

## **CHAPTER 2 COMPOSITION AND TERM OF OFFICE**

### **Article 2.1 Composition**

1. The University Council comprises 24 members: 12 elected from and by the staff and 12 elected from and by the student body. The University Council elects a Chair either from its members or externally, and one or more deputy chair from its members. Together they make up the University Council Presidium. The Chair – or in the event of his or her absence, a Deputy Chair – represents the University Council in legal proceedings.
2. The Presidium members are elected for a period of one year.
3. In consultation with the University Council, the Board of the University appoints a Registrar to support the University Council as administrative secretary.

### **Article 2.2 Term of office**

1. The term of office of University Council members starts on 1 September of the year in which the elections were held.
2. The members of the staff section of the University Council are elected for a two-year period, whereas the term of office for members of the student section is one year.
3. A section resigns in its entirety at the end of its term of office.
4. Resigning University Council members are directly re-electable for another term.

## **CHAPTER 3 ELECTIONS**

### **Article 3.1. Organization**

The election of University Council members is governed by the election regulations laid down by the Board of the University.

### **Article 3.2 The right to vote and eligibility for election**

1. Separate elections are held for each of the sections.
2. The following people have the right to vote:
  - a. staff members who are employed by the University on the date on which the electoral register is approved

- b. people who are registered as students, PhD students or scholarship PhD students at the University on the date on which the electoral register is approved.
- 3. The following people are eligible for election:
  - a. staff members employed by the University
  - b. students, PhD students and scholarship PhD students registered at the University.

## **CHAPTER 4 GENERAL POWERS**

### **Article 4.1. General powers**

- 1. Notwithstanding the stipulations of Article 7 of these Regulations, the University Council has the power to discuss all matters concerning the University and to make suggestions and voice its opinions to the Board of the University. The Board of the University communicates its written, substantiated viewpoints on such suggestions to the University Council within three months.
- 2. The staff section of the University Council has the following powers with regard to general health, safety and wellbeing at the University, as referred to in the 1998 Working Conditions Act and the Working Conditions Decree for Education:
  - a. it is given the opportunity to voice its opinions and to be heard
  - b. it has the right to request application of the law
  - c. it has the right to lodge an appeal.

### **Article 4.2 Consultative meetings between the University Council and the Board of the University**

- 1. The Board of the University gives the University Council the opportunity to meet and discuss the general state of University affairs with it at least six times a year.
- 2. The Board of the University and the University Council meet within a reasonable period if the Board of the University, the University Council or the staff or student section of the University Council delegation submits a reasoned request to this end.
- 3. Consultative meetings discuss University-related matters that the Board of the University or the University Council wishes to discuss or that must be discussed by these bodies in accordance with the Act. The provisions of Article 4.1 apply mutatis mutandis.
- 4. The Board of the University is represented during these meetings by the President of the Board or his/her deputy, possibly assisted by one or more University staff members.
- 5. The consultative meetings are chaired by the Chair of the University Council or his/her deputy.
- 6. The Registrar of the University Council acts as administrative secretary of the consultative meeting, unless the Board of the University and the University Council together appoint a different person as administrative secretary.
- 7. The agenda for the consultative meeting contains items submitted to the University Council Registrar by the Board of the University, the University Council or the staff or student section before the meeting.

8. The Chair adjourns a meeting if the Board of the University or the University Council considers separate deliberation concerning a specific matter desirable.
9. A report is made of each meeting.

#### **Article 4.3 Public nature of meetings**

1. The consultative meetings are open to the public, unless the Chair of the consultative meeting, the Board of the University, the Chair of the University Council or the University Council decides that public discussion is not in order due to the nature of the issue to be discussed. A decision to hold a private meeting must be supported by reasons.
2. With regard to matters discussed in a closed meeting or closed part of a meeting, the attending members must observe confidentiality as stipulated in Article 6.5.
3. If a meeting, or part of a meeting, concerns the personal interest of a University Council member, the University Council may decide to exclude that member from that meeting or part of the meeting. In such cases the University Council may also decide to discuss the relevant matter in a private meeting.
4. A confidential report is made of the closed meeting or closed part of the meeting.

#### **Article 4.4 Consultative meetings between the University Council and the Supervisory Board**

The Supervisory Board meets with the University Council at least twice a year.

#### **Article 4.5 Creation of committees**

1. The University Council may appoint permanent and temporary assistance committees from among its own members.
2. The decree establishing such a committee defines its composition, duties and working method.

#### **Article 4.6 Internal regulations**

The University Council may draw up internal regulations covering its procedure and the conduct of its meetings, which may not conflict with the Act or these Regulations. The internal regulations must cover at least the University Council meetings, agenda, voting, decision-making and reporting procedures.

### **CHAPTER 5 SPECIAL POWERS**

#### **Article 5.1 Extraordinary consultative matters**

##### **1. Right of consent of the University Council**

Notwithstanding the stipulations of Article 5.2, the Board of the University needs the University Council's consent for any proposed decision with regard to the following matters:

- a. the institutional plan as referred to in Article 2.2 of the WHW
- b. the development of the quality assurance system in accordance with Article 1.18.1 of the WHW, as well as the proposed policy in light of the results of the quality assurance evaluation, as referred to in the second sentence of Article 2.9.2 of the WHW

- c. the Student Charter as referred to in Article 7.59 of the WHW
- d. the Administrative Regulations as referred to in Article 9.4 of the WHW
- e. regulations concerning working conditions
- f. the choice of consultative participation scheme as referred to in Article 9.30.1 of the WHW
- g. the policy regarding application of Article 7.51 of the WHW and the rules referred to in Article 7.51.4 of the WHW
- h. the University's Electoral Regulations
- i. the internal organization of student facilities
- j. the main points of the annual budget as referred to in Article 2.8 of the WHW.

## **2. Right of consent of the staff section**

Notwithstanding the stipulations of Article 5.2, the Board of the University needs the consent of the University Council's staff section for each decision that the Board proposes to take with regard to matters of general interest concerning the specific legal status of University staff.

## **3. Right of advice**

1. Notwithstanding the stipulations of Article 5.2, the Board of the University must present each decision it proposes to take with regard to the following matters to the University Council for advice:
  - a. matters concerning the continued existence of and smooth running of affairs within the University
  - b. the budget, which must also indicate the amount of the University tuition fees
  - c. appointment of members of the CUOS
  - d. appointment of members of the Editorial Advisory Committee (Redactieraad) of the UK (University newspaper).
2. In accordance with Article 9.7.5 of the WHW, the University Council is given the opportunity to issue advice to the Supervisory Board on the profiles referred to in Article 9.7.4 of the WHW.

## **4. Right of advice of the student section**

The Board of the University requests prior advice from the section of the University Council elected from and by the students for each decision the Board proposes to take regarding:

- a. the general personnel and appointment policy, unless Article 9.36.2 of the WHW applies
- b. the policy concerning University tuition fees referred to in Article 7.46 of the WHW
- c. the Board of the University's regulations concerning refunding of the statutory tuition fees referred to in Article 7.48.4 of the WHW.

## **Article 5.2 Further regulations concerning special powers**

1. The stipulations set out in Article 5.1 do not apply to matters that have already been substantively regulated for the University by or pursuant to statutory provisions or a collective labour agreement. In addition, the right of consent is not exercised insofar as the consultative power concerning the relevant matter has already been exercised in another manner.
2. The stipulations in Articles 5.1.2 and 5.1.4 do not apply if and insofar as implementation regulations with regard to the rights and duties of individual staff members are submitted to the Local Consultative Committee for approval with a view to the implementation of the relevant matter.
3. The University Council has powers corresponding to those referred to in the opening words of Article 12.2 and under d, of the Equal Treatment Act (*Algemene wet gelijke behandeling*). Article 21.2 then applies mutatis mutandis to the distinction referred to in the Equal Treatment (Men and Women) Act (*Wet gelijke behandeling van mannen en vrouwen*) or Article 646 of Book 7 of the Dutch Civil Code.
4. The University Council has the right to receive information about the pay ratios used within the University organization.

## **Article 5.3 Right of consent: procedure**

1. With regard to any proposed decision by the Board of the University that requires the consent of the University Council or the relevant section, the Council must in principle decide to approve it or withhold consent during the next Council meeting, or in any case within six weeks of receiving the proposed decision, unless the Council and the Board jointly set another deadline.
2. If the University Council has not come to a decision within the set period, the proposed decision is deemed to have been approved.

## **Article 5.4 Compulsory consultation after consent is withheld**

1. If a proposed decision by the Board of the University does not receive the required consent from the University Council or the relevant Council section, the Board will consult with the Council.
2. Following the consultation, the Board decides to:
  - a. confirm the proposal, or
  - b. present an amended proposal to the Council, or
  - c. withdraw the proposal.

The Board of the University notifies the University Council of its decision within three months. If this notice is not provided within three months, the proposal lapses.

3. If the Board of the University wishes to confirm the proposal, the Board may determine that there is a dispute. The Board of the University or the University Council notifies the Supervisory Board of the dispute. The Board of the University or the University Council presents the dispute to the Consultative Participation Arbitration Board as referred to in Article 5.6, unless the Supervisory Board makes a proposal to resolve the conflict with which both the Board of the University and the University Council agree.
4. If the University Council is of the opinion that the Board of the University should have presented one of its decisions to the Council, the Council must notify the Board of this, stating its reasons. The Board of the University then consults with the University Council. If, after this consultation, the

Board of the University still fails to present the decision to the University Council for approval, and the Council decides to confirm its standpoint and informs the Board of this, the Board earmarks the disputed decision as a proposed decision that has not received the Council's approval and the Board determines that there is a dispute. Article 5.4.3 applies mutatis mutandis.

5. The Board of the University may not take a definitive decision with regard to matters that have been presented to the Consultative Participation Arbitration Board until the Arbitration Board has given its ruling.

#### **Article 5.5 Right of advice: procedure**

1. If the Board of the University wishes to wholly or partly deviate from the University Council's advice regarding a proposal as referred to in Articles 5.1.3 and 5.1.4, the Board must notify the Council of this within two weeks.
2. The notification referred to in Article 5.5.2 must be in writing and supported by reasons.
3. The University Council must notify the Board of the University within two weeks whether it wishes to confirm its original advice upon reconsideration of the applicable interests. If the Council finds no reason to amend its original advice, the Board must note in its decision that it has deviated from the Council's recommendation.
4. The Board postpones implementation of the decision for four weeks, unless the Council does not object to its immediate implementation.
5. The University Council may present the dispute to the Consultative Participation Arbitration Board within four weeks of the date on which the decision in question was taken by the Board of the University.

#### **Article 5.6 Consultative Participation Arbitration Board**

1. Disputes within the University are presented to a Consultative Participation Arbitration Board (as referred to in Article 9.39 of the WHW) in accordance with Article 9.40 of the WHW.
2. In the event of a dispute between the University Council or a Faculty Council and the person or body with decision-making powers, the Board of the University investigates the possibilities for an amicable settlement between the parties. In cases where the Board of the University is the body with decision-making powers, the Supervisory Board investigates the possibilities for an amicable settlement. If this turns out to be impossible, the consultative body or the person or body with decision-making powers presents the dispute to the Consultative Participation Arbitration Board.

### **CHAPTER 6 RIGHTS AND OBLIGATIONS**

#### **Article 6.1 Obligation to inform**

1. The Board of the University must provide the University Council, on request or at its own initiative, with all information that the Council reasonably requires to complete its task, including in any case, at least once a year, information about the scope and substance of the regulations in the field of terms of employment and agreements made with each group of University staff, the members of the Board of the University members and the Supervisory Board.
2. The Board of the University must regularly meet with the Chair of the University Council to ensure a productive decision-making process.
3. The information provided by the Board of the University as referred to in Article 6.1.1 must be in writing, unless otherwise agreed.

4. The Board of the University must provide the information as soon as possible but in any case within three weeks of receipt of the Council request. This period may only be exceeded in exceptional cases, and the fact that it is being exceeded must be communicated to the Council, including reasons, before the period expires.
5. Without prejudice to the stipulations of Article 6.1.1, the Council informs the Board in good time of its wish to receive additional information before or during the meeting.

### **Article 6.2 Confidentiality**

1. The basic principle is that meeting documents are publicly available. The person imposing confidentiality on meeting documents does so by using the following exemption grounds:
  - a. Respect for privacy;
  - b. The prevention of disproportionate advantage or disadvantage to the natural or legal persons concerned, including the UG, or to third parties;
  - c. Data concerning companies and manufacturing processes which were furnished to the UG in confidence by natural or legal persons;
  - d. Prevention of disruption of ongoing scientific or integrity investigations;
  - e. Data drawn up for the purpose of internal consultation and including personal opinions on policy;
  - f. Other compelling reasons of major interest, provided that they are accompanied by an adequate and concrete motivation.
2. Meeting documents containing minor confidential parts not affecting the main subject of these documents, shall be publicly available provided that such parts are made unreadable.

### **Article 6.3 Legal rights**

1. The Board of the University ensures that University Council members, as well as candidate and former members, are not disadvantaged in their positions within the University due to their Council membership.
2. A Council member who feels disadvantaged in his/her position within the University as a result of his/her membership must inform the Board of the University of this in writing, including reasons.
3. The Board of the University sets up an advisory committee consisting of three members within three weeks of receiving the complaint referred to in Article 6.2.2.
4. At least two members of the advisory committee must be from a faculty or University-level service unit other than the one that employed the person concerned in the period covered by the complaint.
5. The advisory committee invites the person concerned to be heard within a week of receiving the complaint.
6. The Board of the University makes a decision within two weeks of receiving the advice prepared by the advisory committee, unless the Board decides that it is in the interests of the case to postpone it for a maximum of two weeks.

### **Article 6.4 Facilities**

1. The Board of the University provides the University Council and its members with the opportunity to properly execute the tasks referred to in the Act.
2. The Board of the University draws up further regulations regarding the facilities available to the University Council, including at least provisions concerning:

- a. exemptions from activities for staff members
- b. fixed reimbursement of expenses for staff and students
- c. training and education
- d. support and meeting rooms
- e. the University Council's budget, as included in the University budget.

### **Article 6.5. Confidentiality members**

1. The members of the University Council are sworn to confidentiality on all matters discussed in their capacity, insofar as the Board of the University or the University Council have imposed confidentiality or insofar as they are expected to understand the confidential nature of the matter.
2. The person or body imposing confidentiality must also communicate which written or oral information is to remain confidential as well as the period of confidentiality, and whether there are any people for whom confidentiality does not need to be observed. The person or entity that imposes confidentiality must notify the Council if and when the reasons for confidentiality cease.
3. If a University Council member, in the opinion of the majority of Council members, has breached the duty of confidentiality set out in Article 6.4.1, or if the Board of the University is of the opinion that a member has not complied with a duty of confidentiality imposed by the Board, the Chair of the Council issues a warning to the person concerned. If the same Council member breaches the duty of confidentiality a second time, he/she will be excluded from the private meetings or private parts of meetings and will not be provided with confidential information for a period of three months.
4. The duty of confidentiality does not cease due to termination of Council membership or termination of the relevant person's professional ties with the University.

## **CHAPTER 7 POWERS OF FACULTY COUNCILS**

### **General powers**

#### **Article 7.1 Powers of Faculty Councils**

1. The Faculty Board provides the Faculty Council with the opportunity to discuss the general affairs of the Faculty at least twice a year. The Faculty Board and the Faculty Council meet if a request to that effect, stating reasons, is submitted by the Faculty Board, the Faculty Council, the section of the Faculty Council elected by and from staff members, or the section of the Faculty Council that is elected by and from students. The meeting is held no later than three weeks after the request is submitted.
2. The Faculty Council has the authority to make suggestions to the Faculty Board and to voice its opinions on all Faculty-related matters. The Faculty Board must provide a written, substantiated response to any such suggestions in the form of a proposal within three months. Before issuing a response, however, the Faculty Board must give the Faculty Council at least one opportunity to discuss its suggestion.
3. At the beginning of the academic year, the Faculty Board provides the Faculty Council with basic written information regarding the composition of the Faculty Board, the organization within the Faculty and the main points of policy that have been adopted. The Faculty Board informs the Faculty Council in writing at least once a year of the policy followed in the

previous year and the policy plans for the next year with regard to the Faculty's financial, organizational and teaching and research-related matters. In addition, the Faculty Board provides the Faculty Council in good time, upon request or otherwise, with all the information it could reasonably require in order to perform its duties.

4. In the event that the expressly personal interest of a Faculty Council member is at issue during a meeting or part of a meeting, the Faculty Council may decide that this member may not participate in the meeting or part thereof. The Faculty Council may also decide that the discussion of the matter in question will take place behind closed doors.
5. Each year, the Faculty Council draws up a written report of its activities and ensures that it is available to all relevant persons at the Faculty. The Faculty Council ensures that the agendas and minutes of its meetings are sent to the Faculty Board and are available for inspection by interested parties in a publicly accessible place at the Faculty.
6. The Faculty Board seeks the view of the Faculty Council on the nature of its envisaged cooperation, within the meaning of Article 9.14.2 of the Act. In the event that, during consultations with the Board of the University, and within the meaning of Article 9.14.2 of the Act, the standpoint of the Faculty Board differs from the view expressed by the Faculty Council, the Faculty Board informs the Faculty Council, stating reasons.
7. The Faculty Board allows the Faculty Council to use any facilities that are available and that may reasonably be deemed necessary to fulfil its duties.
8. In accordance with Article 9.48 of the Act, the Faculty Board gives the members of the Faculty Council the opportunity to follow any training courses they may need to fulfil their duties for a period to be determined by the Faculty Board and the Faculty Council together. Faculty staff members are allowed to follow such training courses during working hours (and with full pay).

## **Special powers**

### **Article 7.2 Right of consent of the Faculty Council**

The Faculty Board must obtain the consent of the Faculty Council for all intended decisions relating to the following subjects:

- a. the Faculty Regulations, within the meaning of Article 9.14 of the Act
- b. the Teaching and Examination Regulations, within the meaning of Article 7.13 of the Act, with the exception of the subjects listed in Article 7.13.2.a-g, the instruction referred to in Article 7.13.3 and the requirements referred to in Articles 7.30a.3, third sentence, and 7.30b.1, third sentence, of the WHW.

### **Article 7.3 Advisory authority of Programme Committee (opleidingscommissie)**

The Faculty Council may adopt a Programme Committee's advisory authority in order to submit a dispute.

### **Article 7.4 Powers of the staff section**

1. The Faculty Board ensures that the staff section of the Faculty Council is given the opportunity, in good time, to issue advice to the Faculty Board and deliberate upon intended measures relating to the following:
  - a. the implementation of terms of employment and service within the Faculty
  - b. the implementation of the general personnel policy within the Faculty

- c. matters concerning working conditions within the Faculty
  - d. organization and working methods within the Faculty
  - e. the provision of technical and economic services at the Faculty
2. The rights of the staff section referred to in Article 7.3.1 may be exercised to the extent to which the Faculty Board has been mandated with the relevant powers by the Board of the University.
  3. The staff section is authorized to make proposals to the Faculty Board with regard to the matters listed in Article 7.4.1.
  4. The Faculty Board needs the staff section's prior consent for any measure it is authorized to take and concerning which the staff section has issued advice in accordance with Article 7.4.1.
  5. The Faculty Board draws up, in agreement with the staff section, regulations for the exercising of the powers referred to in Articles 7.4.1, 7.4.3 and 7.4.4.

#### **Article 7.5 Consultative participation in mandated powers**

1. If the Board of the University mandates the exercising of management powers concerning which the University Council has the right to consent or the right to prior consultation to the Faculty Board, the right to consent or prior consultation is mandated to the Faculty Council.
2. The Board of the University informs the Faculty Council and University Council of all mandates issued within the meaning of Article 7.5.1.
3. The Board of the University keeps a current list of the mandates issued within the meaning of the above.

#### **Article 7.6 Rules of Procedure**

The Faculty Council draws up Rules of Procedure for its meetings. These rules relate to the following at the very least:

- a. convening meetings
- b. submission deadlines for meeting documents
- c. the manner of deliberation and decision-making, both with regard to matters about which the Faculty Council wishes to make proposals or present standpoints to the Faculty Board and to matters with regard to which the Faculty Council has the right of consent or the right to prior consultation towards the Faculty Board.
- d. determination of the minimum number of Faculty Council members needed for valid deliberation and decision-making as referred to under c.
- e. the way in which the Faculty Council uses the opportunity granted by the Board of the University to put its case confidentially with regard to the appointment of the Dean of the Faculty
- f. reporting/minute-taking and signing of decisions
- g. the public nature of meetings
- h. all matters referred to under Article 7.6.a-g are also organized in order to enable the staff

section to carry out its duties.

## **CHAPTER 8 FINAL AND TRANSITIONAL PROVISIONS**

### **Article 8.1 Adoption or amendment of these regulations**

These regulations and each amendment thereof are presented to the University Council by the Board of the University and are not laid down by the Board of the University until two-thirds of the total number of University Council members have, after consultation, consented to the Regulations (possibly in an amended form).

### **Article 8.2 Unforeseen circumstances**

In circumstances which are related to matters governed but not explicitly covered by these Regulations, or if these Regulations are open to differing interpretations, the Board of the University provides the University Council with a relevant proposal. The University Council decides on the proposal by a simple majority vote; if the required number of members for this decision-making process are not present, the decision of the majority of attending members is decisive.

### **Article 8.3 Date of commencement**

These Regulations take effect on 1 May 2021 with due observance of Article 8.1 of these Regulations.