



## PARTICIPATION REGULATIONS

University of the Arts The Hague

March 2022

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In accordance with Article 10.21 of the Higher Education and Scientific Research Act, the Participation Regulations, an update of the regulations of June June 2020, were approved by the University Council and adopted by the Executive Board on the 17<sup>th</sup> of March 2022

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## PREAMBLE

### **Common view of participation**

Participation means that staff and students can have an influence on the strategic policy regarding the organisation of the University, the working conditions and the conditions of employment. Proposed decisions which are subject to consent or advice may be involved as well as general matters about which the participation council need to be informed.

A participation structure and culture which simply serves to approve or disapprove decisions fails unless both sides are willing to conduct a real dialogue on the issues beforehand. The CMR and the Faculty Councils must be able to have a proactive influence on proposed policy and that can only happen at an early stage of the planning process.

A method of working that involves a proactive role for the parties involved requires mutual trust and openness, not only between the Executive Board and the CMR but also between the faculty directors and the Faculty Councils and among the members of the CMR.

The Executive Board and the CMR share a common view that what is involved is timely contributions from the perspective of participation that enable and allow the CMR members to put forward their viewpoints clearly without carrying co-responsibility for policy preparation and decision-making. Roles and responsibilities remain separate: The Executive Board is the competent authority and the exercise of the formal rights of participation is the preserve of the CMR.

In this set-up members of a participation body do not make any contribution on behalf of that body to discussions taking place in any working parties, project teams or focus groups unless explicitly agreed. It may and can be expected of them that they have sound insight into the direction of the developments desired by their councils and their constituencies.

On the strength of this, the Executive Board and the faculty directors inform the participation councils at an early stage so that they are able to function as a sounding board.

# CHAPTER I

## DEFINITIONS

### Article 1 - Definitions

The following definitions are used in these Participation Regulations and the regulations based upon it:

- a. Act: Higher Education and Scientific Research Act;
- b. University: University of the Arts The Hague;
- c. faculty: one of the separate faculties of the University, i.e., the Royal Academy of Art and the Royal Conservatoire;
- d. interfaculty the interfaculties: School for Young Talent or ArtScience
- e. Executive Board: the Executive Board of the University, as defined in its articles of association;
- f. CMR: (acronym of Centrale Medezeggenschapsraad)  
The University Council;
- g. DMR: (acronym of Deelmedezeggenschapsraad)  
one of the individual faculty councils of representatives in the University, i.e., the Academy Council (DMR-KABK), the Conservatoire Council (DMR-KC) and the interfaculty council of the School for Young Talent;
- h. committee: a committee as referred to in Article 10.34 of the Act;
- i. Participation Council Regulations: the regulations of the representative advisory board as referred to in Article 10.21(1) of the Act;
- j. Bye-laws: the administrative rules of the CMR;
- k. staff: employees of the University who work on the basis of an employment contract; and
- l. students: persons who are enrolled with the University as students within the meaning of the Act.

## CHAPTER II

### THE CMR – University Council

#### § 1 *General*

##### **Article 2.1 – CMR – University Council**

The University has a single (Central) University Council (CMR).

##### **Article 2.2 – Composition of the CMR**

1. The maximum number of members of the CMR is nine.
2. A maximum of four members of the Academy Council resp. the Conservatoire Council will be members of the CMR, two being members chosen from and by the staff and two being members chosen from and by the students from each Faculty Council. The CMR will also have the chair chosen from and by the staff of the Interfaculty Council School for Young Talent as member.
3. The CMR will be composed by letting chose the three Faculty Councils from its midst the CMR members.
4. The chairs DMR-KABK, DMR-KC and DMR-SvJT are compulsory CMR members.
5. The representative elected to the CMR on behalf of the interfaculty School for Young Talent is given the opportunity to attend the meetings of the Conservatoire Council.
6. Members of the Executive Board or the management of a faculty may not also be members of the CMR.

##### **Article 2.3 - Chairman**

1. The members of the CMR will choose a chairman and one or more deputy chairmen from among their number.
2. The chairman (or in his absence a deputy chairman) of the CMR will represent the Council in law.

##### **Article 2.4 – Term of office**

1. All of the staff members of the CMR will stand down every-three years.
2. The staff members who are standing down may not be re-elected more than once.
3. After three years, during which the retiring member has had no seat in the CMR, a former member may be re-elected to the CMR for a maximum of two terms.
4. All of the student members of the CMR will stand down every two years.
5. The student members who are standing down may not be re-elected more than twice.

##### **Article 2.5 – Legal protection**

1. The Executive Board will ensure that members of the CMR are not prejudiced in their position with respect to the University by reason of their membership of the Council. The first sentence applies mutatis mutandis to candidate-members and former members.
2. The contract of employment of an employee of the University may not be terminated, other than at his own request, in connection with that person's candidacy for membership or former membership of the Central Participation Council. Any termination of the employment contract in violation of this paragraph will be null and void.

#### § 2 *General tasks and powers of the CMR*

##### **Article 2.6 - General task**

1. The CMR will endeavour to promote openness, transparency and consultation in the University.

2. The CMR will in general guard against discrimination of any kind in the University of the Arts and in particular promote the equal treatment of men and women and the participation of persons with handicaps and members of ethnic minorities.

#### **Article 2.7 - General powers**

1. The CMR is empowered to make proposals and present its views to the Executive Board on all matters relating to the University.
2. The Executive Board will inform the CMR of its reaction to proposals as referred to in the first paragraph, in writing and accompanied by reasons, within three months in the form of a proposal. Before issuing the reaction referred to in the previous sentence, the Executive Board will give the CMR an opportunity to consult it at least once about its proposal.

#### **Article 2.8 - Administrative affairs**

1. The CMR will draw up a regulation governing matters of an administrative nature - the Bye-laws – as well as rules for the allocation of the amounts paid by the Executive Board for the benefit of the CMR, the Faculty Councils and any committees.

#### **Article 2.9 - Confidentiality**

1. The members of the CMR are obliged to maintain confidentiality concerning all matters that come to their knowledge in their capacity as members and with respect to which the Executive Board has imposed confidentiality or which the members of the CMR should understand to be confidential.
2. As far as possible, the Executive Board will announce its intention to declare an issue confidential before that issue is dealt with by the CMR.
3. If a matter is declared confidential, the CMR will also be informed of what information that is provided verbally or in writing falls under the requirement of confidentiality and how long it must remain confidential, as well as the identity of any persons with respect to whom the confidentiality does not have to be observed.
4. Within the CMR and Faculty Councils confidentiality agreements can also be reached provided a majority is in favour of the decision.
5. An individual's duty of confidentiality does not lapse on termination of their membership of the CMR or their association with the University.
6. In the event of doubt about imposing confidentiality in a specific case the CMR may address the Disputes Committee as referred to in Article 10.26 (1) of the Higher Education and Scientific Research Act and article 6.2 of these Participation Regulations adopted by the University of the Arts.

#### **Article 2.10 – Conflict of interest**

If the CMR is to discuss a matter during a meeting or part of a meeting in which a member has a particular personal interest, the Council may decide that the member concerned will not take part in the relevant meeting or part of the meeting. The CMR will in that case also decide that the matter concerned will be discussed in a private meeting.

**Article 2.11 – Disclosure**

1. The CMR will ensure that the Bye-laws and the agendas and minutes of meetings are sent to the Executive Board, to the Faculty Councils and to any committees and are also made available for inspection by interested persons at a publicly accessible location in the University of the Arts.
2. The minutes of meetings between the Executive Board and the CMR will be adopted jointly.
3. Communication about the affairs of the CMR will be conducted in a professional and mutually respectful manner, even during the existence of a dispute.

**§ 3 Special tasks and powers of the CMR****Article 2.12 – Provision of information**

1. The Executive Board will provide the CMR, at its request or otherwise, in good time, with any information that the Council might reasonably require for the performance of its tasks.
2. At the beginning of the academic year, the Executive Board will provide the CMR in writing with the basic details of the composition of the Executive Board, the University's organisational structure, the division of tasks within the Executive Board and the main points of existing policy.
3. At least once a year the Executive Board will inform the CMR in writing of the policy it has pursued in the preceding year and of its policy proposals for the coming year with regard to the University's finances, organisation and education, including reference to developments in the faculties.
4. The Executive Board will immediately notify the CMR of any proposals relating to the matters described in the institutional plan as referred to in Article 10.20(a) of the Act.

**Article 2.13 – Right to issue advice**

1. The Executive Board, without prejudice to the provisions of article 10.20 of the Higher Education and Scientific Research Act and article 2.14 of these Participation Regulations, requests prior advice of the CMR with regard to each of the decisions of the Executive Board relating to:
  - a. matters that affect the objectives, the survival and the proper state of affairs in the University;
  - b. the budget, from which the amount of the university fees is apparent
2. The timing of the request for advice will be such that the advice can have a genuine influence on the decision. The CMR will be given an opportunity to consult the Executive Board before the advice is issued.
3. The CMR will issue its written advice to the Executive Board within 30 days of receipt of a request for advice, failing which the Executive Board may proceed to implement its proposal. The Executive Board may extend this period by 30 days after consulting the Council.
4. The CMR will be notified in writing of the action to be taken in response to the advice as soon as possible.
5. If the Executive Board does not wish to follow the advice in full, the CMR will be given an opportunity to hold further consultations with the Executive Board before the decision becomes final.
6. If the Executive Board makes a decision that does not entirely follow the advice issued by the CMR on the grounds of the first paragraph, the Council may submit this fact to the Disputes Committee in conformity with article 6.4a of these Participation Regulations.

**Article 2.14 – Right of approval**

1. The Executive Board requires the prior approval of the CMR for any decision it intends to make in relation to the adoption or amendment of:
  - a. the institutional plan;
  - b. the Participation Regulations;



- c. the design of the quality assurance system pursuant to Article 1.18(1) of the Act, as well as policies proposed in light of the findings of the quality assessment referred to in Article 2.9(2) of the Act;
  - d. the students' charter;
  - e. the management regulations;
  - f. the Education and Examination Regulations referred to in Article 7.13 of the Act, mentioned in 7.13 (2) under a, f, h to u and x, and the terms in 7.28 (4) and (5), and 7.30b (2);
  - g. rules relating to working conditions; and
  - h. the Executive Board' policy towards the application of Article 7.51 of the Act regarding the Profiling Fund.
  - i. the choice of participation systems as referred to in 10.16a (1) of the Act.
  - j. a decision to enter into a merger as referred to in 16.16 of the Act.
  - k. the key points of the budget.
  - l. the way of spending the student advance grants' yearly budget.
2. The powers of the CMR in relation to item h in the previous section are reserved exclusively to the members who are elected from and by the staff.
  3. The CMR will decide whether to grant or withhold its approval and notify the Executive Board of its decision in writing within 30 days of receipt of a request from the Executive Board. The Executive Board may extend this period by 30 days after consulting the Council. If the Council has not made a decision on whether or not to grant approval within the specified period, the Executive Board may proceed to implement the decision.
  4. If the CMR explicitly withholds its approval, the provisions of Article 10.28 of the Act apply *mutatis mutandis*.

#### **Article 2.15 – Special powers**

1. The CMR is authorised to submit a written request to the Equal Opportunities Commission pursuant to Article 12(1) of the Equal Treatment Act if it feels that a distinction as referred to in the Equal Treatment Act, in Article 7:646 of the Dutch Civil Code or in the Equal Treatment (Men and Women) Act is being made in the University. Article 21(2) of the Equal Treatment (Men and Women) Act applies *mutatis mutandis*.
2. The powers of the CMR granted to it by virtue of the Working Conditions Act and the Order in Council based on Article 16 of the Working Conditions Act are reserved exclusively to the members chosen from and by the staff.
3. The powers of the CMR relating to working conditions in the University are reserved exclusively to the members chosen from and by the staff.
4. The Executive Board requires the prior approval of the member of the CMR chosen from and by the staff for any decision to be taken by the Executive Board relating to matters of general relevance for the special legal status of the staff.
5. If, on the grounds of the fourth paragraph, the Executive Board requires the prior approval of the members of the CMR chosen from and by the staff for a decision, the members of the CMR chosen from and by the students will be given an opportunity to issue advice on the decision.
6. The right of approval or right to issue advice in matters referred to in the fourth and fifth paragraphs will not be exercised to the extent that the relevant matter has already been regulated for the University in an instruction issued by or by virtue of the law or in a collective agreement (CAO).
7. The members of the CMR chosen from and by the students will be given an opportunity to give advice on the matters raised in article 10.20a paragraph 2 of the Act.
8. The CMR is given the opportunity to give advice to the Supervisory Board regarding the profiles of the members of the Supervisory Board.
9. The CMR has the right to put forward one candidate for membership of the Supervisory Board. The proposal has at least two names on the list.

10. De CMR is given the opportunity to give advice to the Supervisory Board regarding the profile, appointment, suspension and discharge of the president or members of the Executive Board.
11. At least two members of the CMR – one student member and one member of staff – will be part of the selection committee for the appointment of a new president or member of the Executive Board.

**Article 2.16 - Consultation with the Executive Board**

1. The Executive Board will give the CMR the opportunity to discuss the general state of affairs in the University with it at least twice a year.
2. During the consultation referred to in paragraph 1, a member of the Supervisory Board is present as observer at least once a year.
3. The Executive Board and the CMR will meet as soon as possible if a request to do so is made, with a statement of the reasons, by the Executive Board, the CMR, the members of the CMR chosen from and by the staff or the members chosen from and by the students.

**Article 2.17 – Facilities and training**

1. The Executive Board will allow the CMR the use of the facilities at its disposal and which are reasonably necessary for the CMR to perform its duties. In any case it concerns official, financial and juridical support and training.
2. The Executive Board will allow the CMR to hold meetings during working hours as far as possible.
3. The Executive Board will allow the members of the CMR to receive the training they need for the performance of their duties for two days a year. The staff of the University will be allowed to receive this training during working hours and with retention of salary. The Executive Board puts a training budget at the CMR's disposal. They determine the budget together.

**Article 2.18 – Costs of external advice**

If special circumstances make it reasonably necessary for the CMR to secure external advice, on its own behalf or on behalf of the Faculty Council, any costs attached will be borne by the University, provided the Executive Board has approved them in advance. In the absence of this approval, the question of whether the costs will be reimbursed will be submitted for a binding advice to the disputes committee as referred to in article 6.2.

**Article 2.19 – Annual report**

The CMR will publish an annual report of its activities and make it available for inspection by everyone concerned in the University.

## CHAPTER III

### THE FACULTY COUNCILS

#### § 1 *General*

##### **Article 3.1 - Faculty Councils**

The University has three Faculty Councils of Representatives, one for the Royal Academy of Art - the Academy Council - one for the Royal Conservatoire - the Conservatoire Council - and one for the interfaculty School for Young Talent.

##### **Article 3.2 – Composition of Faculty Councils**

1. The maximum number of members of the Academy Council and the Conservatoire Council is eight each. No more than two members will be elected from and by the teaching staff of the relevant faculty, no more than two members will be elected from and by the non-teaching staff of the relevant faculty and no more than four members will be elected from and by the students of the relevant faculty.
2. The maximum number of the Interfaculty Council of the School for Young Talent is six. No more than two members will be elected from and by the teaching staff, no more than two members will be elected from and by the parents committee and no more than two members from and by the pupils of the secondary school.
3. Members of the Executive Board or of the management of a faculty may not also be members of a Faculty Council.

##### **Article 3.3 - Chairman**

The members of the Faculty Councils will choose a chairman and one or more deputy chairmen from among their number.

##### **Article 3.4 – Term of office**

1. All of the staff members of the Faculty Councils will stand down every three years.
1. The staff members who are standing down may not be re-elected more than once.
2. After three years, during which the retiring member has had no seat in the CMR, a former member may be re-elected to the CMR for a maximum of two terms.
3. All of the student members of the CMR will stand down every two years.
4. The student members who are standing down may not be re-elected more than twice.

##### **Article 3.5 – Legal protection**

1. The Executive Board will ensure that members of the Faculty Councils are not prejudiced in their position with respect to the University by reason of their membership of the Faculty Council. The first sentence applies mutatis mutandis to candidate-members and former members.
2. The contract of employment of an employee of the University may not be terminated, other than at his own request, in connection with that person's candidacy for membership or former membership of the Faculty Council. Any termination of the employment contract in violation of this paragraph will be null and void.

#### § 2 *General tasks and powers of the Faculty Councils*

##### **Article 3.6 - General duty**

The Faculty Councils will endeavour to promote openness, transparency and consultation in the University.

**Article 3.7 - General power**

The Faculty Council will exercise the right of approval and the right to issue advice vested in the CMR in relation to the management of a faculty with respect to matters concerning the relevant faculty and in so far as the relevant powers have been granted to the management of the faculty.

**Article 3.8 - Administrative affairs**

The Faculty Council will handle matters of an administrative nature in accordance with the Bye-laws adopted by the CMR.

**Article 3.9 - Confidentiality**

1. The members of the Faculty Councils are obliged to maintain confidentiality about all matters that come to their knowledge in their capacity as members and with respect to which the management of the faculty has imposed confidentiality or which the members of the Faculty Council must understand to be confidential.
2. As far as possible, the management of the faculty will announce its intention to declare an issue confidential before that issue is dealt with by the Faculty Council.
3. If confidentiality is imposed, the Faculty Council will also be informed of what information that is provided verbally or in writing falls under the requirement of confidentiality and how long it must remain confidential, as well as the identity of any persons with respect to whom the confidentiality does not have to be observed.
4. The duty of confidentiality does not lapse on termination of membership of the Faculty Council or of the individual's association with the University.

**Article 3.10 – Conflict of interest**

If the Faculty Council is to discuss a matter during a meeting or part of a meeting in which a member has a particular personal interest, the Council may decide that the member concerned will not take part in the relevant meeting or part of the meeting. The Faculty Council will in that case also decide that the matter concerned will be discussed in a private meeting.

**Article 3.11 – Disclosure**

1. The Faculty Council will ensure that the Bye-laws, agendas and reports of the meetings are sent to the Executive Board, to the CMR and to any committees and are also made available for inspection at a publicly accessible location in the University for interested persons.
2. Minutes of meetings between the management of the faculty and the relevant Faculty Council will be adopted jointly.
3. Communication about matters relating to participation will be conducted in a professional and mutually respectful manner, even during the existence of a dispute.

**Article 3.12 – Provision of information**

The management of the faculty will provide the Faculty Council in good time with any information that the Council may reasonably require for the performance of its tasks.

## CHAPTER IV

### MEMBERSHIP AND ELECTIONS

#### **Article 4.1 – Organisation of elections**

The CMR is responsible for organising the election of the members of the CMR and the Faculty Councils.

#### **Article 4.2 – Right to vote and to stand for election**

1. Staff and students of the University are eligible to vote in elections for their own faculty, with the exception of staff members without an employment contract and exchange students.
2. Staff and students of the University are eligible to be elected as a member of the CMR and of the Faculty Council for their own faculty, with the exception of staff members without an employment contract and exchange students.
3. Staff members at the University of the Arts The Hague working for the Central Bureau and the Academy of Creative and Performing Arts, part of the Humanities Faculty of the University of Leiden, may decide for themselves in writing prior to the CMR elections whether they wish to exercise the right to vote and/or wish to stand for election for the Royal Academy of Art faculty or the Royal Conservatoire.

#### **Article 4.3 – Adoption of date of elections**

1. The CMR will decide on the date of the elections and the times at which the voting will commence and end in consultation with the Executive Board. The CMR will notify the Executive Board, the staff and the students of the details. There must be an interval of at least 13 weeks between the date of this notification and the date on which the elections are held.
2. The election period for staff members is determined in such a way that the three-year term of appointment, applicable to staff members, starts on 1 January.
3. The election period for student members is determined in such a way that the two-year term of appointment, applicable to student members, starts on 1 September.

#### **Article 4.4 - Candidacy**

1. Candidates for membership of the Faculty Councils must register in writing with the CMR not less than six and not more than 13 weeks before the date of the election.
2. The CMR will issue a dated receipt.
3. The CMR will investigate whether the candidate complies with the requirements laid down in the CMR Regulations as soon as possible.
4. The CMR will declare invalid any candidacy that does not comply with the requirements referred to in the previous paragraph and will immediately notify the individual concerned in writing and with a statement of the reasons. The candidate will be given an opportunity to rectify the situation within four working days.

#### **Article 4.5 – List of candidates**

1. The CMR will draw up two lists of candidates for the faculties Royal Academy of Art and Royal Conservatoire, one for the staff and one for the students. The names of the candidates will be listed in alphabetical order. The listing for each candidate will state his or her position in the University or the programme that he or she is following.
2. The CMR will disclose the list of candidates to the Executive Board, the staff and the students no later than two weeks before the date of the election.

#### **Article 4.6 – No elections**

1. If the number of candidates for seats reserved for staff members in the CMR or the Faculty Councils does not exceed the number of places available for staff members, there will be no election for the staff members and the candidates will be deemed to have been elected.
2. If there are fewer candidates for the seats reserved for staff members than there are places in the Central Participation Council or the Faculty Council to be filled by staff members, the remaining seats reserved for staff members will remain unoccupied during the following term of office.
3. If the number of candidates for seats reserved for students in the CMR or the Faculty Council does not exceed the number of places available for student members, there will be no election for the student members and the candidates will be deemed to have been elected.
4. If there are fewer candidates for the seats reserved for students than there are places in the CMR or the Faculty Council to be filled by student members, the remaining seats reserved for students will remain unoccupied during the following term of office.

#### **Article 4.7 – Voting**

1. The election of members of the Faculty Councils will be by secret written ballot.
2. Every person entitled to vote will cast one vote for the Faculty Council.
3. Every person entitled to vote may complete a ballot for up to two other persons who are entitled to vote, provided he has written authorisation from those persons.

#### **Article 4.7a - Electronic voting**

1. In derogation from article 4.7 paragraphs 1 and 3 and article 4.8 paragraph 2 of these Regulations, the election may also take place by means of secret electronic voting.
2. The CMR determines in good time and in consultation with the Executive Board whether written or electronic elections will take place.
3. During the period of the electronic elections each person entitled to vote will cast a vote through the network of the University on the site on which the CMR election has been posted.
4. A person eligible to vote always cast that vote personally and cannot authorise a third party to do so.

#### **Article 4.8 – Determination and announcement of results**

1. On completion of the voting the CMR will determine the number of valid votes that have been cast for each candidate.
2. Ballots will be invalid if:
  - a. they are not authenticated by or on behalf of the CMR;
  - b. if the choice of the person entitled to vote is not clear from them;
  - c. more than one vote is cast for the CMR and/or the Faculty Council; or
  - d. annotations appear on them other than the designation of the chosen candidates.
3. The elected candidates will be those who have received the highest number of votes in descending order. If different candidates for the last seat(s) have received the same number of votes, the person to be elected will be decided by the drawing of lots.
4. The results of the election will be determined by the CMR and notified in full to the Executive Board, the staff and the students.
5. The completed ballots will be placed in a sealed envelope and kept for at least three months by the CMR. If the elections have taken place through electronic voting a written print out of the electronic vote will be kept by the CMR in a sealed envelope for at least three months.

#### **Article 4.9 – Termination of membership**

1. Membership of the CMR and/or the Faculty Councils will end:
  - a. on expiry of the term of office as referred to in Article 2.4 and/or 3.4;
  - b. on termination of the member's registration as a student or of the employment contract with the University;

- c. on the member's resignation;
- d. by a decision of the CMR, accompanied by reasons, if a member of the CMR and/or the Faculty Council is seriously in default in the exercise of the duties of membership. The reasoned decision must be adopted by a majority of at least two-thirds of the members in office, with the exception of the member concerned, and may not be taken until after the member concerned has been notified in writing of the proposal and has been given an opportunity to express his or her views;
- e. on transfer to a faculty other than that for which the member was elected.

**Article 4.10 – Interim vacancy**

1. A seat in the CMR or Faculty Council will become vacant if the membership of a member is terminated as referred to in Article 4.9.
2. In the event of an interim vacancy in the CMR or the Faculty Council, the CMR will appoint a successor to the member concerned the first eligible candidate according to the outcome of the previous election. If more than one candidate for the vacancy received an equal number of votes, the person to be elected will be chosen by the drawing of lots.
3. The appointment will be made within one month of the date on which the vacancy arises.
4. If no successor as referred to in the first paragraph of this article is available, the vacancy will not be filled.
5. At any point when the CMR comprises fewer than six members new elections will be announced.

**Article 4.11 - Shortened election procedure**

1. In case of mid-term elections it's possible to follow a shortened election procedure.
2. There must be an interval of at least 3 weeks between the date of notifying the Executive Board, the staff and the students of the details of the procedure and the date on which the elections are held.
3. Candidates for membership of the Faculty Councils must register in writing with the CMR not less than one and not more than three weeks before the date of the election.
4. The CMR will disclose the list of candidates to the Executive Board, the staff and the students no later than 3 days before the date of the election.

**Article 4.12 - Objection**

1. Every interested party may lodge an objection with the CMR against a decision of the CMR relating to the provisions of this chapter.
2. The CMR will notify the Executive Board of the objection.
3. The CMR will make a decision on the objection as soon as possible and will also take any necessary measures.

## CHAPTER V

### THE COMMITTEE

#### **Article 5.1 – Appointment**

The staff and the students may establish a separate staff committee (or separate committees for distinct categories or groups of staff members) and a student committee.

#### **Article 5.2 – Composition**

The committee will be composed entirely of either staff members or students, and will not have more than three members.

#### **Article 5.3 - General power**

1. The committee will be empowered to issue solicited or unsolicited advice to the CMR on those matters that specifically concern the relevant committee.
2. At the request of the committee, the CMR will notify the Executive Board of a written advice as referred to in the first paragraph. The Executive Board will issue a written reaction to any such written advice, accompanied by reasons, to the CMR in the form of a proposal. Before publishing the reaction referred to in the previous sentence, the Executive Board will give the CMR at least one opportunity to consult with it on the proposal.



## CHAPTER VI

### DISPUTES

#### **Article 6.1 – Pursuit of consensus**

The Executive Board and the directors of the faculties on the one hand, and the CMR, the Faculty Councils and any committees on the other, will make their best endeavours to resolve disputes by agreement, in accordance with the principles and objectives of participation in the University. Relevant consultations will take place at the appropriate level.

#### **Article 6.2 – Disputes committee**

The University is registered with a disputes committee within the meaning of Article 10.26(1) of the Act, this being the National Disputes Committee on Participation in Education. The Executive Board will notify the CMR and the Faculty Councils of the address of this disputes committee.

#### **Article 6.3 – Powers of Executive Board**

The Executive Board may submit a dispute to the disputes committee:

- a. if the Executive Board wishes to proceed with a decision, amended after consultation or otherwise, which requires approval pursuant to Articles 10.20 and 10.22(a) of the Act, and has not received the necessary approval;
- b. if the Executive Board has not received the necessary approval for the terms of the Participation Regulations, in so far as they are laid down in Article 10.22 of the Act; or
- c. if the Executive Board and the CMR have a difference of opinion over the interpretation of the provisions laid down by or by virtue of chapter 10, title 3 of the Act or the provisions of the Participation Regulations.

#### **Article 6.4 – Powers of the CMR**

The CMR may submit a dispute to the disputes committee:

- a. if the Executive Board has made a decision on which, by virtue of the application of Article 10.22(b) of the Act, the CMR has issued an advice, the Executive Board has not entirely followed that advice and the CMR is consequently of the opinion that the interests of the University or the interests of the CMR have been seriously prejudiced;
- b. if the Executive Board has failed to secure the necessary approval of the terms of the Participation Regulation in so far as they are laid down in Article 10.22 of the act; or
- c. if the Executive Board and the CMR have a difference of opinion over the interpretation of the provisions laid down by or by virtue of chapter 10, title 3 of the Act or the provisions of the Participation Regulations.

#### **Article 6.5 – Dispute within a faculty**

If there is a dispute between the management of a faculty and a Faculty Council, the management or the Faculty Council will notify the Executive Board or the CMR of this dispute. The Executive Board or the CMR will submit the dispute to the disputes committee, unless the Executive Board and the CMR are of the opinion that the dispute can be resolved without intervention of the disputes committee.

## CHAPTER VII

### TRANSITIONAL AND CLOSING PROVISIONS

#### **Article 7.1 – Entry into force and expiry**

1. The Participation Regulations will enter into force on 1 January 2015.
2. From the date of their entry into force the Participation Regulations will replace all previous Participation Regulations in force in the University as well as rules based on them, with the exception of the Participation Agreement of 16 July 2008 concluded with the Faculty Council of the Royal Conservatoire.

#### **Article 7.2 – Transitional provisions**

The members of the University of the Arts' representative bodies who are bound by a term of office at the time of the entry into force of the Participation Regulations will complete their terms of office subject to the provisions of these Participation Regulations.

#### **Article 7.3 – Evaluation of participation**

Following the adoption of the Participation Regulations, the Executive Board will evaluate participation in the University every five years. The CMR will be consulted for the purposes of the evaluation.

#### **Article 7.4 – Amendments to the Participation Regulations**

1. The Executive Board is authorised to adopt and amend the Participation Regulations.
2. Before adopting or amending the Participation Regulations, the Executive Board will make a proposal to the CMR. The Executive Board will not make a decision until the proposal has been approved by the CMR in accordance with Article 2.14.1(b).

#### **Article 7.5 - Title**

These regulations can be cited as the Participation Regulations.

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