

## **FONTYS REGULATIONS ON THE PARTICIPATION COUNCILS AND DEGREE PROGRAMME COMMITTEES**

### **PREAMBLE**

Vision on participation:

1. The Fontys community in general lays great store on participation.
2. The Fontys practice of participation is based on undivided councils for students and staff as far as the Central Participation Council and the Institute's Participation Council is concerned. Staff participation takes place in the Services department Participation Council established in one or more departments.
3. Participation in the Central Participation Council, the Institute's Participation Councils and the Services Department Participation Council is related to the organisation's policy on strategic and tactical matters.
4. Participation in the Central Participation Council, the Institute's Participation Councils and the Services Department Participation Council is aimed at the organisation's integral policy and requires the involvement of students as well as staff.
5. The Degree Programme Committee focuses on providing advice about promoting and safeguarding the quality of the degree programme.
6. Participation follows having control.
7. Parties recognise and respect each other's position in the organisation.

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## CHAPTER 1 GENERAL

### Article 1: Definitions

In these regulations, the following meaning is attached to the following words:

Management Charter	The document describing the administrative relations between the administration, the primary process and the provision of facilities.
Executive Board	Administrative and management body of Fontys, referred to in the articles of association and the WHW.
Arbitration Board	Committee for the settlement of disputes as referred to in Section 10.26 of the WHW.
Executive Committee	The executive committee of the Central Participation Council.
Director	Official appointed as such who is in charge of the management of an institute or services department
Fontys	Stichting Fontys (Fontys Foundation).
Section	This may refer to either the students' or staff's section.
Joint Degree Programme Committee	A committee established for related study programmes of a school as referred to in Section 10.3c of the WHW (JDPC).
Institution Plan	The document which gives a description of the proposed policy adopted by Fontys, including its intentions with regard to the promotion of the quality of the education and to enhance the setup of the degree programmes.
Institute	The operational unit of organisation for Fontys' core competencies which is responsible for the execution of the primary process.
Participation Councils	Councils for participation, being: the Central Participation Council (CPC) the Institute's Participation Council (IPC) the Services Department Participation Council of a services department (SDPC).
Services Department	Fontys operational unit which is responsible for the execution of the business process and provision of technical support to the primary process.
Degree programme	A coherent set of units of study aimed at achieving narrowly defined goals with regard to the knowledge, insights and skills a student having completed the degree programme should possess, as referred to in Section 7.3, subsection 2 of the WHW.
Degree Programme Committee (DPC)	A committee established for a particular degree programme of a school as referred to in Section 10.3c of the WHW.

Staff member	Those employed with the organisation on the basis of the collective labour agreement for higher professional education and an employment agreement with Fontys.
The Supervisory Board	The supervisory administrative body of Fontys, referred to in the articles of association and the WHW.
Reserve member	Those members who, during elections for the Central Participation Council for their sections, ended up in twelfth or thirteenth place, and may attend meetings of the Central Participation Council as if they were members. Reserve members do not have the right to vote at the meetings. Both Institute's Participation Councils and (Joint) Degree programme committees have reserve members in accordance with this definition.
Student	Those enrolled in a study programme in accordance with Section 7.32 et seq. of the WHW.
WHW	The Dutch Higher Education and Research Act ( <i>Wet op het hoger onderwijs en wetenschappelijk onderzoek</i> ), 8 October 1992, Bulletin of Acts and Decrees 1992, no. 593, including the latest amendments and/or additions.

#### Article 2: Levels of participation

Participation takes place at the following levels:

- a. at Fontys level: the Central Participation Council (CPC);
- b. at institute's level: the Institute's Participation Council (IPC);
- c. at the level of a services department: the Services Department Participation Council (SDPC).
- d. at the level of the degree programmes(s): the (Joint) Degree Programme Committee ((J)DPC)

#### Article 3: Application

1. The articles of this chapter apply to all participation councils, unless the particular chapter provides otherwise.
2. Where the articles apply to the (J)DPC, this will be stated separately.
3. Where, in these regulations, reference is made to DPCs, this includes the JDPCs as well, unless the text expressly states otherwise. Where, in these regulations, reference is made to a degree programme, 'JDPCs' must be read as 'degree programmes'.

#### Article 4: Term of office

1. Members of the participation council and the (J)DPC are elected for a two-year-term of office, on the understanding that students have the option of standing for election for one year only.
2. Resigning members of the participation council and the (J)DPC are immediately eligible for reappointment.
3. Members of the participation council and the (J)DPC may be reappointed for no more than two consecutive terms and may therefore hold office for up to six consecutive years, on the understanding that they may subsequently be re-elected after taking a two-year hiatus.

#### Article 5: Termination membership

Membership of a participation council and the (J)DPC ends:

- a. on the expiry of the term of office as referred to in Article 4;

- b. when the member no longer belongs to the section on behalf of which he was elected;
- c. when the member sends a notice of termination addressed to the chair of the participation council or the (J)DPC;
- d. through termination of the employment with Fontys for members elected on behalf of the staff, and for the (J)DPC also through termination of the membership if the staff member is no longer a lecturer for the relevant degree programme(s) for which the (J)DPC was set up;
- e. appointment of a member elected on behalf of the staff on a post which is incompatible with the membership (see Article 15, paragraph 4);
- f. through termination of the enrolment with Fontys for members elected on behalf of the students, and for the (J)DPC also through termination of the membership if the student is no longer enrolled in the relevant degree programme(s) for which the (J)DPC was set up;
- g. when the member is placed under guardianship, the assets of the member become subject to administration or a debt structuring arrangement for natural persons is declared applicable to the member;
- h. on exclusion with due observance of the provisions laid down in Article 7;
- i. upon the death of the member.

#### Article 6: Replacement

1. In case of prolonged absence of a member, the participation council and the (J)DPC may decide to accept a proposal of the section involved to have this member replaced for the duration of their absence, though not exceeding the original term of office of the member who is thus replaced.
2. During this period of replacement, the absent member cannot exercise the rights arising from their membership of the participation council and the (J)DPC.
3. The replacement should preferably be chosen from the latest list of candidates of the section involved.
4. The reserve member of the relevant section receiving the most votes will be the first to be considered as a replacement CPC member.
5. See also Article 25.

#### Article 7: Exclusion

1. The participation council and the (J)DPC may exclude a member of its own accord in accordance with the following paragraphs of this article.
2. A member can only be excluded if, in the opinion of the other members of the participation council or the (J)DPC, they have failed to comply with his/her obligations as laid down in these regulations and the WHW or acts in contravention of the objective of Fontys.
3. Before they are excluded, the member involved must be given the opportunity to be heard on the matter by the participation council or the (J)DPC or a representation of the participation council or the (J)DPC, decided upon by a majority of at least two thirds.
4. The decision of the participation council or the (J)DPC to exclude a member must be taken by a majority of at least two thirds of the number of members, minus the member involved.
5. If not all members are present, the chair of the participation council or the (J)DPC will convene a new meeting to be held within three weeks, though no sooner than within one week. The notice convening the new meeting must at least state the place, time and subject of the (re-)vote. This new meeting may decide to exclude the member by a two-thirds majority of the valid votes, irrespective of the number of members present.
6. The member involved will receive a notice with the reasons of their exclusion by registered mail.
7. The participation council or the (J)DPC may decide that a member is not allowed to attend the meeting or a part thereof when a pre-eminently personal interest is on the agenda.
8. It will always remain possible to exclude a reserve member.

#### Article 8: Confidentiality

1. Members and reserve members of the participation council and the (J)DPC have a duty of confidentiality with regard to all matters they hear of in their quality as member of the council with regard to which the Executive Board or the director has imposed the duty to maintain confidentiality or of which they should understand the confidential nature.
2. The duty to maintain confidentiality does not end upon termination of the membership of the participation council or the (J)DPC.
3. The meetings of the participation council and the (J)DPC with the Executive Board or the director are public, unless the chair feels that the nature of the matter to be discussed or the accompanying information stands in the way of that.

#### Article 9: Duty to announce and duty to inform

1. A request to the participation council to give its consent or advice must be done at such a moment that the council is still in a position to exert any influence on the decision.
2. Unless it is an urgent matter, the Executive Board or the director will submit the intended decision to the participation council and the (J)DPC at least 10 working days before its meeting. It must also provide the reasons for taking the decision, the possible consequences and the intended measures to be taken in connection with the decision.
3. In addition, the Executive Board or the director respectively will inform the participation council and the (J)DPC in due time, without having to be asked, with any information that the participation council and the (J)DPC may, according to the standards of reasonableness and fairness, need in the discharge of their duties and, upon request, with any information that, according to the standards of reasonableness and fairness, these councils consider required in the discharge of their duties. For the CPC, the IPC and the SDPC, this includes, at least once a year, information on the amount and contents of the terms of employment and arrangements for each group of people working in the institution, members of the Executive Board and the Supervisory Board. For the (J)DPC, the training plans and schemes that apply within the degree programme.
4. The participation council and the (J)DPC must be notified as soon as possible in writing as to how the advice will be followed.
5. If the Executive Board wishes not to follow the advice, or only to follow parts thereof, the participation council will be allowed to consult the Executive Board or the director before reaching a final decision.

#### Article 10: Terms

1. The participation council and the (J)DPC must inform the Executive Board or the director whether it will consent to the proposed decision as referred to in Article 9 within six weeks.
2. If, pursuant to these regulations, the Executive Board or the director submits a proposed decision for advice to the participation council and the (J)DPC, these must issue the advice within a term of 6 weeks.
3. The terms as referred to in this article need not be met if parties agree to a different term. If the holiday period is scheduled between these two terms, parties may depart from these two terms.

#### Article 11: Positions within the Participation Council and the (Joint) Degree Programme Committee

1. The participation council and the (J)DPC will elect a chair, a deputy chair and, if the council sees fit, a secretary from among its members. The chair and his/her deputy must come from different sections unless the situation described in Article 18, paragraph 6 applies. Every section of the council elects its own chair and his/her deputy if the council decides so, on the understanding that the chair of the council cannot also be chair of one of the sections.
2. The Executive Committee of the Central Participation Council consists of a chair, a deputy chair and the chairs of both sections. The equality of the sections is safeguarded.

#### Article 12: Committees



The participation council may create committees, involving its members or not, within its field of activity if reasonably necessary for the fulfilment of its duties.

#### Article 13: Level of participation

1. A subject matter can come up for participation on one level of participation only.
2. If a decision for which the Executive Board requires the prior consent or advice of the CPC will affect the particular institute or (a) particular services department(s), the Institute's Participation Council or Services Department Participation Council concerned will be allowed to advise the CPC on the matter.
3. If a decision for which the director requires the prior consent or advice of the IPC concerns the TER, the relevant (J)DPC will be given the opportunity to consult the IPC about it.
4. If a decision for which the director requires the prior consent or advice of the (J)DPC concerns the TER, the relevant IPC will be given the opportunity to consult the (J)DPC about it.

#### Article 14: Facilities

1. The Executive Board and the director must enable the participation council and the (J)DPC to fulfil their duties properly in accordance with the available budget, the material facilities and staff made available including the administrative secretarial and support for policy making, as well as legal support and training. The training budget is determined by the Executive Board or the director and the participation council in mutual consultation, or by the director and the (J)DPC in mutual consultation.
2. A member of staff who is a member of a participation council and the (J)DPC must be given time off from his/her duties arising from his/her employment agreement with Fontys for the duties of the participation council and the (J)DPC.
3. Part of the annual work activities of the staff member arising from his/her employment agreement with Fontys must be dedicated to these duties in accordance with the level of participation. An annex attached to these regulations sets out the facilities applying to each staff member by level of participation.
4. The student member of the participation council and the (J)DPC must be given the opportunity to fulfil their duties for the participation council and the (J)DPC, whereby it must be ensured that any negative effects on their study progress are minimal, for example by determining whether it is possible for them to carry out study activities in a parallel group. The student member may be eligible for (financial) assistance in accordance with the provisions laid down in the Profiling Fund Scheme.
5. Student members are facilitated according to the level of participation. Appendix I to these regulations sets out the facilities for student members, categorised by level of participation. If a student decides to accept this remuneration, this means that he will forgo graduation support as set out in the Profiling Fund Scheme. If a student member is unable to or does not carry out the attendant duties of membership of the participation council or the (J)DPC, the facilitation can be stopped, as described in the [Participation Councils and Degree Programme Committees Procedure](#).
6. Before granting facilities to a staff member as referred to in paragraph 3, or those for students as referred to in paragraph 5, he will be subjected to a marginal test performed by the chair of the participation council and the (J)DPC in order to determine their attendance of the meetings.
7. Members of a participation council and the (J)DPC may be offered the opportunity to receive additional training for no more than 3 days per member per year. Travel and accommodation expenses will be compensated in accordance with the travelling expenses scheme determined by Fontys. The travel expenses incurred in order to attend a (regular) meeting, including those incurred for trips made at the request of the participation council, the (J)DPC or the Executive Committee for the benefit of the participation council or the (J)DPC will be compensated.
8. Members who are a member of more than one participation council and/or the (J)DPC are, in principle, entitled to a compensation based on their membership of all participation councils

and/or the (J)DPC. The issue of granting the facilities must be decided by the management levels involved in mutual consultation.

## CHAPTER II ELECTIONS

### General

#### Article 15: The right to vote and the right to be elected

1. Without prejudice to the provisions contained in these regulations, only students enrolled at Fontys have the right to vote and the right to be elected.
2. Without the prejudice to the other provisions contained in these regulations, only Fontys staff members have the right to vote.
3. With prejudice to the other provisions contained in these regulations, the following staff members have the right to be elected:
  - staff members with an employment agreement with Fontys for an indefinite period of time;
  - staff members with an employment agreement with Fontys for a definite period of time of at least six months;
  - staff members with an employment agreement with Fontys either for an indefinite period of time or definite period of time of at least six months who are seconded outside of Fontys, provided this secondment is for a period of no more than six months and they continue to perform duties for Fontys for at least 50% of their employment.
4. Members of the Executive Board, secretaries, directors and their deputies and management team members cannot be members of a participation council and the (J)DPC. In addition, members of the Examination Board are excluded from membership of the (J)DPC.
5. The student members of the participation council and the (J)DPC are directly elected by the students. For the members of the (J)DPC, only students enrolled for the degree programme for which the (J)DPC was set up have the right to vote and to be elected.
6. The student members of the participation council and the (J)DPC are directly elected by the students. For the members of the (J)DPC, only staff members who have a lecturer position with the degree programme for which the (J)DPC was set up have the right to vote and to be elected.

#### Article 16: The set-up of the elections

1. The participation council or the (J)DPC is responsible for the set-up of the elections.
2. An election committee, the composition of which is decided by the participation council or the (J)DPC, is responsible for the organisation of the elections. Members of the election committee are not eligible for appointment to the participation council or the (J)DPC for which they carry out the organisation of the election.
3. The participation council and the (J)DPC will lay down the election procedure in an election protocol (see Article 26).
4. The institutes' participation councils and the services department(s) participation councils may, in derogation from this election protocol, label the seats of their participation council and they may deviate from the election procedure and election protocol in this respect.
5. The election committee determines the election results. The performance of the other duties of the election committee have been laid down in the election protocol.
6. The election committee may decide to deviate from the terms that must be observed in the elections.
7. The Executive Board will, in mutual consultation with the participation council or the (J)DPC, set up an 'Election Appeals Committee' for the resolution of election disputes.

#### Article 17: Time of the elections

1. Elections are called for once every two years on the understanding that the election for the students' section may be held annually.
2. The participation council or the (J)DPC must determine the date of the nomination of candidates and of the elections in due time. The election dates will be determined and announced no later than three months before the elections will take place.

3. The elections committee may determine that the elections are scheduled on a number of consecutive days.

#### Article 18: Voting

1. The election of members of the participation council and the (J)DPC is held by secret ballot or digitally.
2. Votes are cast per student section or staff section, on the understanding that the votes for the members of the Services Department Participation Council are cast by the staff of the Services Department and votes for the (J)DPC are cast by the staff members who are lecturers with the degree programme of the (J)DPC, and for students that are enrolled for the degree programme of the (J)DPC.
3. Members of the participation council and the (J)DPC are directly elected from a list stating persons and with a single preference.
4. Every voter may cast one vote on the list of their section.
5. If the number of candidates on the joint lists for a section does not exceed the number of positions to be filled in the participation council or the (J)DPC for the section involved, there will be no elections held for that section and the proposed candidates will be deemed elected.
6. If the number of candidates on the joint lists for a section is lower than the number of positions to be filled in the relevant section or if there are no candidates at all, the seats will not be occupied during the following term of office, unless the participation council or the (J)DPC decides to have new elections for the seats now unoccupied.

#### Article 19: Electability

The electability of staff and students is determined by the digital election program, which is linked to Fontys' staff and student administration.

#### Article 20: Nomination of candidates

1. No later than four weeks before the elections are held, students and staff members can stand up for membership. The election committee determines whether the candidates are eligible by virtue of Article 15 of these regulations and also whether their nomination meets the requirements laid down in the WHW and the election protocol. If this appears not to be the case, the election committee must notify the candidate in writing within one week after the expiry of the term for the nominations.
2. A nomination that does not meet the requirements will be invalid. The candidate will be given the opportunity to rectify the omission within four days.

#### Article 21: Voting procedure

1. Before the election date, the election committee will send every person entitled to vote a link to the digital election programme, containing the candidates and stating the organisation unit to which they belong.
2. Every person entitled to vote will cast one vote for a candidate from their own section per participation council or (J)DPC;
3. Voting by proxy is not possible.

#### Article 22: Election results

1. The election committee will determine the number of votes cast per section on each candidate.
2. The candidate who receives the highest number of votes for the participation council or (J)DPC in their section will be elected.
3. If two or more candidates have gathered an equal number of votes, the election program will decide the winner in case of a digital vote.

#### Article 23: Announcement of the results

1. The election committee will announce the results within a week of the final election day.
2. The results of the elections will be included in an election report drawn up by the election committee, which will be available for inspection with the secretary or the chair of the participation council of (J)DPC.
3. The election committee of the CPC will also announce which candidates are elected as reserve members of the CPC.

#### Article 24: Objections

1. Within five days of the announcement, any interested party can submit an objection to the election committee, against one of the following decisions:
  2. the setting of the election date;
  3. the validity of the nomination of a candidate;
  4. the determination of the election results.
5. The elections committee hands down its reasoned decision on the objection within 4 weeks, unless there is a case of force majeure, and makes the necessary provisions. This decision is binding.
6. If the interested party does not agree with the decision, he may lodge an appeal with the Elections Appeal Committee, as has been mentioned in Article 16, paragraph 7, within five days after the elections committee has sent its decision. The Election Appeal Committee judges whether the elections committee could reasonably have reached its decision considering all interests involved. The Election Appeals Committee hands down its decision, unless there is a case of force majeure, within four weeks. This decision is binding.

#### Article 25: Premature vacancies

1. When a seat becomes vacant prematurely, the candidate whose name comes first after the candidate who won the most votes in the latest elections on the list of the section with the vacancy will occupy this seat for the remainder of the term of office. In the case of the CPC, the reserve member from the relevant region is the first to be considered for the seat.
2. If there are no candidates on the list of the section with the premature vacancy, bye-elections may be held. (A) member(s) elected on this occasion occupies/occupy his/their seat(s) for the remainder of the term of office. When it is not possible to hold bye-elections because there are no candidates eligible for election, the seat will lapse for the remainder of the term of office.
3. In derogation from the provisions laid down in paragraph 2, the lapse of that seat will only be valid for the remainder of the year of office if it concerns a seat for a students' section.
4. In derogation from and in addition to the provisions laid down in paragraph 2 and 3, the CPC must be informed if there are no candidates available for either the students' section or the staff's section to become member of the IPC. The Executive Board and the CPC must jointly find a fitting solution, while the CMR's responsibility as deputy applies without reservation. For the (J)DPC, the IPC must be notified. The director and the IPC will jointly come to a fitting solution. Until a fitting solution has been found, the IPC will perform the duties of the (J)DPC.
5. The term of office of a seat prematurely occupied will end when the term of office of the member whose place has been taken would have expired.

#### Article 26: Election protocol

1. The participation council and the (J)DPC will lay down further rules with regard to the elections in an election protocol. This election protocol must include the following, at least:
  - a. the composition, appointment, duties and performance of the election committee;
  - b. how and which decisions of the election committee can be appealed with the Election Appeals Committee;
  - c. how the dates for the nominations and elections are published;
  - d. how the lists with candidates and results are made available for inspection;
  - e. the composition, duties and working method of the Election Appeals Committee;

- f. the requirements to which a nomination is subjected to.
2. Article 16, paragraph 4 will apply by analogy.

## **CHAPTER III GENERAL DUTIES AND POWERS OF THE PARTICIPATION COUNCIL**

### Article 27: General duties of the participation council

1. In accordance with its abilities, the participation council promotes openness, publicity, quality and mutual consultations, as referred to in Section 10.19, subsection 3 of the WHW.
2. In addition, within Fontys, the participation council guards against discrimination on the grounds of religious or philosophical beliefs, race, skin colour, sexual preference or any grounds whatsoever and, in particular, promotes equal treatment of men and women as well as the participation of people with a handicap or chronic illness and foreign-born residents in the labour process, as referred to in Section 10.19, subsection 4 of the WHW.
3. The Participation council exerts itself to make a contribution to the realisation of the Fontys objectives and mission statement.
4. The council will exercise its right to be consulted and right of consent after careful consideration of the relevant interests.

### Article 28: General powers of the participation council

1. At least twice a year, the Executive Board or the director will offer the CPC, IPC and the SDPC the opportunity to discuss the general course of affairs within Fontys, the institute or the services department. In addition to this, parties meet if one of them makes a reasoned request to this end.
2. The participation council may discuss any Fontys matter with regard to Fontys, the Institute or the services department(s). It may bring forward proposals or express its opinion on these matters to the Executive Board and the director, as referred to in Section 10.19, subsection 2 of the WHW.
3. The Executive Board or the director must give a reasoned response to these proposals within six weeks, in writing, in the form of a proposal. Before proceeding to its written response, the Executive Board or the director must provide the participation council with an opportunity to discuss the matter.

### Article 29: Section's right of consent

If the prior right of consent of one section is required for a decision to be taken by the Executive Board or the director, the other section will be offered to opportunity to give its advice on that matter.

## **CHAPTER IV CENTRAL PARTICIPATION COUNCIL**

### Article 30: Central Participation Council

1. Fontys has a Central Participation Council (CPC).
2. The CPC's duties and powers are laid down in the WHW and these regulations.
3. At least once per round of meetings and at least six times per year, the CPC and the Executive Board will convene a public consultative meeting.
4. In principle, the entire Executive Board must attend this meeting.
5. The CPC and the Executive Board are entitled to consult advisers during the meeting.
6. The meeting is chaired by the CPC chair, unless the parties decide otherwise by mutual agreement. The CPC also takes the minutes.
7. The Supervisory Board consults biannually with the CPC pursuant to Section 10.3(d), subsection 5 of the WHW.
8. At least twice per year, a consultation with a member of the Executive Board is organised for each section individually.

### Article 31: Composition Central Participation Council

1. The CPC has 22 seats, including 11 for the students' section and 11 for the staff's section.
2. The CPC's members are elected from the following regions and related numbers, while observing the equality of the sections per region:
  - Eindhoven/Veghel/Zuid-Limburg 12 members
  - Tilburg and other regions 10 members
3. If there are insufficient candidates available from a region, the remaining seats will be taken by candidates from the other region, in which case the majority vote is decisive.
4. Both the students' and staff's sections may opt to appoint two reserve members pursuant to Article 23, paragraph 3.

### Article 32: Exercising the right of consent and the right to be consulted

1. The participation council may not exercise its right of consent or its right to be consulted if the matter at hand has already been provided for in or by virtue of the law or a Collective Labour Agreement, including those matters which have been provided for or belong exclusively to the talks on employment conditions between the Executive Board and the unions.
2. The staff's section may appoint one or more delegate(s) to attend the talks on employment conditions between the Executive Board and the unions.



## **SPECIAL POWERS OF THE CENTRAL PARTICIPATION COUNCIL**

### Article 33: General powers of the CPC

1. The powers with regard to safety, health and well-being as referred to in the Dutch Working Conditions Act (*Arbeidsomstandighedenwet*) and the Dutch Working Conditions Decree (*Arbeidsomstandighedenbesluit*) are exercised by the CPC, pursuant to which powers the CPC:
  - a. must be given the opportunity to express its opinion and be heard;
  - b. is entitled to submit a request for the application of the law;
  - c. may lodge a complaint.
2. Furthermore, the CPC has the powers as referred to in Section 10, subsection 2, preamble and sub d of the Netherlands Institute for Human Rights Act, whereby Section 21, subsection 2 of the Dutch Equal Treatment (Men and Women) Act (*Wet gelijke behandeling van mannen en vrouwen*) applies by analogy (Section 10.22, under j. of the WHW).
3. The CPC may take legal action against the Executive Board if the latter does not fulfil its duties to the CPC arising from the WHW and these regulations.

### Article 34: Right of consent, general

If the Executive Board intends to take a decision (which includes a decision about cross-departmental or cross-institutional pilots) involving one of the following matters, it must seek the CPC's prior consent. These matters are:

- a. a change in the foundation objectives of Fontys;
- b. to determine or change the institution plan in accordance with Section 2.2 of the WHW or the general policy;
- c. the design of the system of quality care in accordance with Section 1.18, subsection 1 of the WHW, including the policy to be adopted as a result from the quality evaluation in accordance with Section 2.9, subsection 2, second sentence of the WHW;
- d. to determine or change the Management Charter;
- e. to change the basic assumptions underlying the policy with regard to education, research, accommodation and administration, investments and staff with regard to the policy assumptions as referred to in the Framework Letter, pursuant to Section 10.16b, subsection 3 of the WHW, subject to the provisions of Article 32, paragraph 1;
- f. a transfer, conversion or division of Fontys, or a merger of Fontys with another institution; in relation to the request for consent for a decision to merge, the Executive Board, acting pursuant to Section 10.16b, subsection 6 of the WHW in conjunction with Section 10.20, subsection 2 of the WHW, allows the CPC to take cognisance of the merger impact report as referred to in Section 16.16a, subsection 4 of the WHW well in advance of the request.
- g. the permanent cooperation with another educational institution or company by way of a cooperation agreement;
- h. the termination, major restriction or extension of Fontys activities, an institute or a services department;
- i. to submit a request for derogation as referred to in Section 10.37 of the WHW;
- j. to determine or change the facilities and monies made available to the participation council;
- k. to determine or change the participation regulations;
- l. to adopt or change the accommodation policy on planning level;
- m. the transfer, conversion, division or merger of an institute;
- n. to determine or change the procedure for the appointment of directors and the 'Procedure for the Appointment of Vital Fontys Officials';
- o. major change(s) to the organisation of the services department;
- p. to determine or change codes of conduct such as those for the use of computer facilities and the internet, privacy regulations, rules on undesired conduct, application code, and code of conduct student counsellors.
- q. selection of one of the participation systems laid down in Section 10.16a of the WHW.

#### Article 35: Right of consent of the staff's section

The Executive Board requires the prior consent of the staff's section of the CPC for each decision to be taken by the Executive Board with regard to the following matters of Fontys, all in accordance with the provisions laid down in Article 29 of these regulations.

- a. matters of general interest for the special legal situation of the Fontys staff;
- b. to determine or change the general rules with regard to safety, health or well-being in relation to labour as referred to in the Dutch Working Conditions Act or the Dutch Working Conditions Decree;
- c. to determine or change the frameworks of the working hours scheme;
- d. to determine or change the frameworks of the holiday and leave scheme;
- e. regulations with regard to the consequences for the staff, in case an institute or important part of it or the services department is terminated, undergoes a major restriction of its activities or important part of it, including the merger of an institute with another part of the organisation.

#### Article 36: Right of consent of the students' group

If the Executive Board intends to take a decision on one of the following matters, it must seek the CPS's students' group's prior consent. These matters are:

- a. to determine or change the students' charter;
- b. to determine or change the frameworks of the Teaching and Examination Regulations in accordance with Section 7.13 of the WHW with the exception of the matters as referred to in paragraph 2 under a. through g. and under w., as well as subsection 3 of that section;
- c. to determine or change the general facilities for students, including the students' contributions;
- d. to determine or change the financial support scheme for students;
- e. regulations with regard to the consequences for the students, when an institute or important part of it is terminated, undergoes a major restriction of its activities or important part of it, including the merger of an institute with another organisation unit;
- f. to determine or change regulations pursuant to which students have the right to be consulted upon entry into an employment agreement with a lecturer of the institute for an indefinite period of time.

#### Article 37: Right to be consulted, general

1. Without prejudice to the conditions of Article 34, the Executive Board will seek the prior advice from the participation council for any decision to be made by the Executive Board, in any case with regard to:
  - a. determining or changing the allocation of duties within the Executive Board;
  - b. the appointment or dismissal of members of the Executive Board, as laid down in the Management Charter.
  - c. filling vacancies in the Supervisory board, laid down in the Management Charter. The CPC has the right to nominate members of the Supervisory Board. There must be at least two candidates on the list of nominees;
  - d. the budget, which must make clear, at least, the amount of the institutional tuition fee and the tuition fee, as referred to in Section 6.7, subsection 1, or Section 6.8, subsection 1 of the WHW (Section 10.20a, subsection 1b of the WHW).
  - e. matters concerning the objectives, the continued existence and proper course of affairs within the university, which includes an institutional merger as referred to in Section 16.16, first subsection of the WHW and a management merger as referred to in Section 16.16, second subsection (Section 10.20a, subsection 1a of the WHW).
2. The CPC will be given the opportunity to provide the Executive Board with advice on the profiles as referred to in Section 10.3d, fourth subsection of the WHW (members of the Supervisory Board) and in Section 10.2, subsection 3 in conjunction with Section 9.3, subsection 2 of the WHW (members of the Executive Board).

Article 37 a: Right to be consulted of the students' group

1. The Executive Board seeks prior advice from the part of the participation council elected by and from the student body for each decision to be made by the Executive Board, in any case with regard to:
  - a. the general staff and appointment policy, provided that Section 10.24, subsection 2 of the WHW does not apply (Section 10.20a, subsection 2a of the WHW);
  - b. the policy with regard to the institutional tuition fee, as referred to in Section 7.46 and the tuition fee, as referred to in Section 6.7, subsection 1, or Section 6.8, subsection 1 of the WHW (Section 10.20a, subsection 2b of the WHW);
  - c. the scheme of the Executive Board with regard to refunds of the statutory tuition fee, as referred to in Section 7.48, subsection 4 of the WHW (Article 10.20a, subsection 2 c of the WHW);
  - d. the regulations adopted by the Executive Board with regard to the selection criteria and the selection procedure as referred to in Section 6.7a, subsection 1, under b., or Section 7.26, 7.26a and Section 7.53, subsection 3 of the WHW, and insofar as the selection procedure is concerned, Section 7.30b, subsection 2 of the WHW (Section 10.20a, subsection 2d of the WHW);
  - e. the regulations adopted by the Executive Board for the criteria and the procedure for granting dispensation from payment of the higher tuition fee, as referred to in Section 6.7a, subsection 1, under c., or Section 6.8, subsection 6 of the WHW (Section 10.20a, subsection 2e of the WHW);
  - f. the regulations adopted by the Executive Board with regard to the selection, as referred to in Section 7.9b, subsection 1 of the WHW (Section 10.20a, subsection 2f of the WHW);
  - g. the regulations adopted by the Executive Board in relation to Study Choice Checks and study choice activities, as referred to in Section 7.31b, subsection 4 of the WHW (Section 10.20a, subsection 2(g) of the WHW).

Article 38: Legal representation

The chair or his/her deputy acts as CPC's legal representative inside and outside of court.

## **CHAPTER V DISPUTE SETTLEMENT CPC**

### Article 39: Arbitration Board

1. Fontys has joined the National Arbitration Board regarding Participation BVE and HBO, established by the Stichting Onderwijsgeschillen, residing in Utrecht.
2. The costs of legal proceedings conducted by the CPC will only be at the expense of the Executive Board if the Executive Board was informed of the costs being incurred in advance.

### Article 40: Disputes regarding the right of consent

1. In the event that a proposed decision requires the consent of the CPC and this consent is not obtained, the Executive Board will negotiate the matter with the CPC.
2. In the event that the CPC does not obtain consent for the proposed decision in the second instance either, the Executive Board will inform the CPC within four weeks whether it withdraws the proposed decision, or will uphold it unchanged and will submit the dispute to the Arbitration Board. If this is not communicated within four weeks, the proposed decision will lapse.
3. The Executive Board will submit the dispute to the Arbitration Board with reference to the balance made of the interest involved.
4. Obtaining the consent or failing to obtain the consent must be understood to include the parties reaching agreement or not.

### Article 41: Disputes regarding the contents of the participation regulations

1. In the event that the Executive Board does not obtain the required consent for a proposal to adopt or amend the participation regulations, the Executive Board will inform the CPC or the CPC will inform the Executive Board within four weeks whether the motion will be submitted to the Arbitration Board. If this is not communicated within four weeks, the motion will lapse.
2. If the Executive Board submits the dispute to the Arbitration Board, Article 40, paragraph 3 applies by analogy. The CPC's submission of the dispute to the Arbitration Board must include its reasons.

### Article 42: Disputes regarding the right to be consulted

1. If the Executive Board takes a decision without following the advice of the CPC, as is required pursuant to the WHW or these regulations, or not following this advice completely, the implementation of that decision will be suspended by four weeks, unless the CPC has no objections against the immediate implementation of that decision.
2. Within four weeks of the events as referred to in the first paragraph of this article, the CPC can submit the dispute to the Arbitration Board if the CPC is of the opinion that the implementation of the decision seriously prejudices the interests of Fontys or of the CPC.
3. With regard to the submission of a dispute, the CPC can be subrogated to the rights of a Degree Programme Committee insofar as this is in line with the advice of the Degree Programme Committee.

### Article 43: Disputes regarding the interpretation

If the Executive Board and the CPC disagree about the interpretation of the provisions of the WHW or these regulations, the Executive Board or the CPC can submit this dispute to the Arbitration Board which gives its binding decision.

### Article 44: The CPC's right to bring proceedings

1. A decision of the Arbitration Board may be appealed to the Netherlands Enterprise Court at the Amsterdam Court of Appeal.
2. The CPC may take legal action if the appeal serves to have the Executive Board comply with obligations towards the participation body.

3. The appeal will be lodged by means of a notice of appeal, within one month of the date of the decision of the Arbitration Board. The counterparty will be informed of the appeal.
4. An appeal can only be lodged based on the grounds that the Arbitration Board has failed to apply the law correctly.
5. A judgment of the Enterprise Court may not be appealed to the court of cassation.
6. In derogation from Section 237 of the Dutch Code of Civil Procedure it is not possible to order the participation body to pay legal costs.

## **CHAPTER VI INSTITUTE'S PARTICIPATION COUNCIL (IPC)**

### Article 45: Institute Participation Council

1. Every institute has an Institute's Participation Council (IPC).
2. The relevant conditions of the WHW and that which is laid down in these regulations applies by analogy to the duties and powers of the IPC.

### Article 46: Composition Institute's Participation Council

1. The number of members of the IPC depends on the number of students of an institute.
  - if there are fewer than 700 students: 6 members
  - if there are between 700 and 1400 students: 8 members
  - if there are more than 1400 students: 10 members
2. The IPC has an equal representation of students and staff.
3. The IPC may decide to depart from Article 18, paragraph 3, on the understanding that two votes can be cast simultaneously per election. The IPC will lay this down in an election protocol as referred to in Article 16, paragraph 3.

## **SPECIAL POWERS OF THE INSTITUTE'S PARTICIPATION COUNCIL**

### Article 47: Powers of the IPC

1. The director must seek, in any case, if the Management Charter has granted him/her these powers in certain matters, the IPC's prior consent or advice.
2. If an institute consists of only one degree programme, it may be determined that the duties and powers of the Degree Programme Committee are to be discharged and exercised by the IPC.
3. If the students' section of the IPC has the right of consent with regard to the Teaching and Examination Regulations, the Degree Programme Committee will be given the opportunity to provide advice on this in due time in advance.

### Article 48: Right of consent, general

The director must seek the IPC's prior consent for decisions on each of the following matters regarding the institute:

- a. determining or changing the institute's internal organisation;
- b. determining or changing the institute's development plan, including the institute's policy;
- c. determining or changing the basic assumptions underlying the institute's budget policy;
- d. determining or changing the learning contract, or the practical training contract;
- e. staff training schemes;
- f. schemes in the field of safety, health or well-being in relation to labour;
- g. regulations in the field of direct employee consultation on work within the frameworks created by the Executive Board;
- h. determining or changing the policy plan with regard to quality care following the advices and conclusions in evaluation reports, in particular the self-evaluation, external programme reviews, accreditations and Fontys student surveys.

### Article 49: Staff's section's right of consent

The director must seek the IPC staff's section's prior consent for each of the following decisions to be taken on the affairs of the institute:

- a. working out and carrying out staff management policy;
- b. determining or changing the schemes for staff members' holidays, leave and working hours;
- c. adopting or amending the staff training schemes, all this within the frameworks created by the Executive Board;

### Article 50: Students' group's right of consent

The director is required to ask the IPC students' group prior consent for each of the decisions to be taken on the following affairs of the institute:

- a. determining or amending the study programme section in the Teaching and Examination Regulations of the institute in accordance with Section 7.13 of the WHW, with the exception of subjects as referred to in the second subsection, under a. through g. and under w., as well as subsection 3 of that section;
- b. working out and carrying out the student's policy, including the facilities for students;
- c. determining or changing the policy with regard to specific contributions by students;
- d. adopting or amending of regulations pursuant to which sanctions may be imposed on students, all this within the frameworks created by the Executive Board;

### Article 51: Right to be consulted, general

The director must seek the IPC's advice on those matters pertaining to the continued existence and proper course of affairs of the institute or its study programmes.

### Article 52: Disputes regarding the right of consent

1. In the event that, as evidenced by a decision of the IPC, the director does not obtain the required consent for a proposed decision, there will be considered to be an internal dispute from that moment onwards, unless the director communicates within five working days that he/she will submit an amended proposed decision, or the IPC communicates, within that same term, that it consents after all.
2. The director will report any internal dispute as referred to in the first paragraph to the Executive Board within ten working days, while the IPC will report it to the CPC, also within ten working days. The mere notification of the dispute by the director and the IPC requires the Executive Board to follow the procedure described below in paragraph 3 and paragraph 4.
3. Within twenty working days of being notified of the internal dispute, the Executive Board can submit a mediatory proposal to the parties.
4. If the Executive Board does not submit a mediatory proposal or its efforts to reach a compromise fail, it may impose a decision on the parties. Such a decision requires the CPC's consent. If the Executive Board does not impose a decision or does not obtain the required consent for a decision as referred to in the preceding sentence within one month, there will be considered to be a dispute, which the Executive Board or, where appropriate, the CPC will submit to the Arbitration Board.
5. The provisions laid down in paragraphs 1 through 4 of this article will also apply by analogy if the director and the IPC do not agree on the question whether the IPC's consent must be sought for a decision the director intends to take.

Article 53: Disputes regarding the right to be consulted

1. If the director takes a decision without following the advice of the IPC or following that advice not completely, the participation council will be given the opportunity to consult with the Executive Board or the director before the decision is definitively taken.
2. The director will report any internal dispute as referred to in the first paragraph to the Executive Board within ten working days, while the IPC will report it to the CPC, also within ten working days. The mere notification of the dispute by the director and the IPC requires the Executive Board to follow the procedure described below in paragraph 3.
3. If the Executive Board maintains the decision of the director, the CPC may, within four weeks of being informed of that, submit the dispute to the Arbitration Board if the CPC is of the opinion that the implementation of the decision seriously prejudices the interests of Fontys or of the CPC.



## **CHAPTER VII SERVICES DEPARTMENT PARTICIPATION COUNCIL (SDPC)**

### Article 54: Services Department Participation Council

1. Fontys has Services Department Participation Councils (SDPCs).
2. The SDPC's duties and powers are laid down in the WHW and these regulations.

### Article 55: Composition of the Services Department Participation Council

1. Depending on the size of the services department, a Services Department Participation Council will consist of at least 3 (three) and a maximum of 5 (five) persons, who will be directly elected from the staff of the services department.
2. An SDPC of a department with more than 100 FTE has, in any case, a chair, a secretary and no more than 3 (three) members. A Services Department Participation Council of a department with less than 100 FTE has, in any case, a chair, a secretary and no more than 1 (one) member). If an SDPC consists of fewer than three members, the SDPC may continue to function as if it were complete.
3. In the event that no SDPC can be formed for a services department, Article 25, paragraph 4 will apply by analogy.
4. The SDPC may decide to derogate from Article 18, paragraph 3, on the understanding that two votes can be cast simultaneously per election. The SDPC must make more detailed provisions on this subject matter in the election protocol as referred to in Article 16, paragraph 3.

## **SPECIAL DUTIES SERVICES DEPARTMENT PARTICIPATION COUNCIL (SDPC)**

### Article 56: Right of consent

The director must seek the SDPC's prior consent for decisions on each of the following matters:

- a. determination of the basic assumptions underlying the budget policy of the services department;
- b. staff training schemes;
- c. schemes in the field of safety, health or well-being in relation to labour;
- d. regulations with regard to direct employee consultation on work;
- e. to determine or change the scheme in the field of staff's holidays, leave and working hours;
- f. substantial changes in the organisation of a services department;

### Article 57: Right to be consulted

The SDPC exercises the right to be consulted that accrues to the CPC in dealings with the director or directors, if and insofar as it concerns matters that concern the SDPC in particular, which in any case includes adoption or amendment of the general policy, rules or procedures on the appointment and dismissal of directors and the other staff of the services department.

### Article 58: Disputes regarding the right of consent

Article 52 will apply by analogy.

### Article 59: Disputes regarding the right to be consulted

Article 53 will apply by analogy.

## **CHAPTER VIII (JOINT) DEGREE PROGRAMME COMMITTEE ((J)DPC)**

### Article 60: Set-up of a Degree Programme Committee

1. The director will set up a Degree Programme Committee (DPC) or a Joint Degree Programme Committee (JDPC) for every degree programme or group of related degree programmes of an institute. Where a degree programme comes in different varieties (full-time, part-time and/or dual), a single DPC will be set up.
2. If the director of an institute with two or more related degree programmes wishes to set up a JDPC, he will require the consent of the IPC involved.
3. If an institute consists of only one degree programme, it may be determined that duties and powers of the DPC are to be discharged and exercised by the IPC (Section 10.3c, subsection 6 of the WHW).

### Article 61: Composition Institute's Participation Council

1. Every DPC will consist of an even number of a minimum of 4 and a maximum of 8 members. The JDPC will consist of an even number of members, but – in view of the last full sentence of paragraph 2 – no maximum of 8 members.
2. Half of the members of the DPC will consist of students associated with the relevant degree programme (or group of degree programmes). The other half of the members of the DPC will consist of staff associated with the relevant degree programme (or group of degree programmes) in a lecturer position. In a JDPC, each degree programme must be represented by at least one staff member and at least one student.
3. The persons listed in Article 15, paragraph 4 are excluded from membership of the (J)DPC.
4. Where a degree programme is provided in different varieties (full-time, part-time and/or dual), students from each of the varieties of the degree programme must preferably be represented.
5. At the request of the (J)DPC, the director will be present at meetings of the (J)DPC.

### Article 62: Decision-making process

1. The (J)DPC can take decisions if at least half plus one of the number of members is present at the meeting.
2. If no decision can be taken due to the quorum as referred to in paragraph 1 not being present, the decision can be taken at the next meeting. In such case, no quorum is required.
3. The (J)DPC takes decisions by a simple majority of the votes.
4. The (J)DPC will exercise its right to be consulted and right of consent after careful consideration of the interests.

## **DUTIES AND POWERS**

### Article 63: Duties

1. The (J)DPC is charged with providing advice on and promoting and safeguarding the quality of the degree programme (Section 10.3c, subsection 1 of the WHW).
2. The (J)DPC will assess the manner in which the Teaching and Examination Regulations are implemented on an annual basis (Section 10.3c, subsection 1b of the WHW).
3. In accordance with Section 10.3c, subsection 1e of the WHW, the (J)DPC is charged with providing the IPC and the director with solicited and unsolicited advice on all matters concerning the education of the relevant degree programme. The (J)DPC will send its advice and proposals to the director, and to the IPC for its information.

### Article 64: Powers

1. In accordance with Section 10.3c of the WHW, the (J)DPC has the right of consent with regard to the Teaching and Examination Regulations on:

- a1. the manner in which the education in the relevant degree programme is evaluated (Section 7.13, subsection 2 a1 of the WHW),
- a2. the contents of the subject specialisations within a degree programme (Section 7.13, subsection 2 b of the WHW),
- a3. the qualities in the field of knowledge, insight and skills that a student must have acquired upon completion of the degree programme (Section 7.13, subsection 2 c. of the WHW),
- a4. where required, the set-up of practical exercises (Section 7,13, subsection 2d of the WHW),
- a5. the study load of the degree programme and of each of the units of study that are part thereof (Section 7.13, subsection 2e of the WHW),
- a6. with regard to which of the master's degree programmes Section 7.4a, eighth subsection of the WHW has been applied (study load master's degree programmes) (Section 7.13, subsection 2 g. of the WHW),
- a7. if applicable: the manner in which students are selected for a special course within a degree programme as referred to in Section 7.9b of the WHW (Section 7.13, subsection 2v of the WHW),
- b. the Degree Programme Committee has no right of consent in respect of the requirements provided for in Section 7.28, fourth and fifth subsection and Section 7.30b, second subsection of the WHW
- c. If the (J)DPC has a right of consent as referred to in paragraph 1a of this article, the IPC will be given the opportunity to provide advice on this and the opportunity to consult in advance.
- 2. The right of consent with regard to the selection of a manner of composing the (J)DPC other than election (Section 10.3c, subsection 1b in conjunction with Section 10.3c, subsection 4 of the WHW)
- 3. In accordance with Section 10.3c of the WHW, the (J)DPC has the right to be consulted with regard to the Teaching and Examination Regulations on:
  - a. the contents of the degree programme and the associated examinations (Section 7.13, subsection 2a of the WHW);
  - b. the further rules as referred to in Section 7.8b, sixth subsection and Section 7.9, fifth subsection of the WHW (Section 7.13, subsection 2f of the WHW);
  - c. the number and the successiveness of the interim examinations, as well as the times at which these may be sat (Section 7.13, subsection 2h of the WHW);
  - d. the full-time, part-time and dual set-up of the degree programme (Section 7.13, subsection 2i of the WHW);
  - e. where required, the order in which, the timeframes within which and the number of times per academic years at which interim examinations and examinations may be sat (Section 7.13, subsection 2j of the WHW);
  - f. the further rules as referred to in Section 7.10, fourth subsection regarding the validity of interim examinations that the student has already passed (Section 7.13, subsection 2k of the WHW);
  - g. whether the interim examinations are oral, written or sat in another manner, without prejudice to the authority of the Examination Board to determine otherwise in special cases (Section 7.13, subsection 2l of the WHW);
  - h. the manner in which students with a handicap or chronic illness are reasonably enabled to sit interim examinations (Section 7.13, subsection 2m of the WHW);
  - i. the public nature of oral interim examinations, without prejudice to the authority of the Examination Board to determine otherwise in special cases (Section 7.13, subsection 2n of the WHW);
  - j. the term within which the results of an interim examination are announced, as well as whether and how this term may be derogated from (Section 7.13, subsection 2o of the WHW);
  - k. the manner in which the term during which those who have sat a written interim examination will be allowed to inspect their graded work (Section 7.13, subsection 2p of the WHW);

- l. the manner in which and the term within which the questions and assignments asked or given within the framework of a written interim examination and the standards on the basis of which the grading has taken place can be examined (Section 7.13, subsection 2q of the WHW);
  - m. the grounds on the basis of which the Examination Board can grant an exemption from sitting one or more interim examinations on the basis of interim examinations or examinations that the student has already passed, or on the basis of knowledge acquired outside of higher education (Section 7.13, subsection 2r of the WHW);
  - n. where required, the rule that passing interim examination is a precondition for being allowed to sit other interim examinations (Section 7.13, subsection 2s of the WHW);
  - o. where required, the obligation to take part in practical exercises in order to be allowed to sit the relevant interim examination, without prejudice to the authority of the Examination Board to grant an exemption in respect of that obligation, whether or not subject to alternative requirements (Section 7.13, subsection 2 t of the WHW);
  - p. monitoring study progress and individual academic counselling (Section 7.13, subsection 2u of the WHW);
  - q. the actual set-up of the education (Section 7.13, subsection 2x of the WHW).
4. The (J)DPC has the right to be consulted on policy plans and implementation plans made on the basis of recommendations and conclusions in evaluation reports, in particular the self-evaluation, external programme reviews, accreditations and Fontys student surveys.

Article 65: Obligations

The (J)DPC is obliged to report to the IPC and the director about its activities, in writing, at the end of every academic year.

Article 66: Consultation and initiative

1. At least twice a year, the director will give the (J)DPC the opportunity to discuss the general course of affairs with regard to the degree programme with him/her.
2. In addition, the director and the (J)DPC will meet if the director or the (J)DPC so request in writing, stating reasons.
3. The director may delegate the consultation with the (J)DPC to the supervisor of the relevant degree programme.
4. If the DPC's advice is not followed, this will be substantiated.

Article 67: Settlement of disputes

Disputes will be settled in line with Article 52 and Article 53 of these regulations, on the understanding that 'IPC' must be read as '(J)DPC', 'Executive Board' must be read as 'director' and 'CPC' must be read as 'IPC'.

## CHAPTER IX FINAL PROVISIONS

### Article 68: Unforeseen circumstances

If there are any matters related to the subject matter of these regulations which have not been provided for, the Executive Board submits a proposal correcting this defect for advice to the CPC. The Executive Board gives its decision after having obtained this advice.

### Article 69: Adoption and amendment of the regulations

1. The Executive Board will submit the Fontys Regulations on the Participation Councils and Degree programme committees, which includes any changes thereto, to the CPC in the form of a proposed decision.
2. The CPC can make proposals to the Executive Board for amendment of these regulations.
3. The decision to adopt or amend the Fontys Regulations on the Participation Councils and Degree programme committees requires a majority of at least 2/3 of the number of votes cast at a meeting at which at least 3/4 of the members is present. If the quorum is not present, a new meeting will be convened within one month of the last, at which a decision may be taken by a simple majority and no quorum requirement will apply.
4. Without prejudice to the conditions of the first paragraph, the Executive Board will discuss the contents of these regulations and the implementation thereof with the CPC every five years. The selection of the participation system may not be changed within five (5) years after having made the choice.

### Article 70: Legal protection

The Executive Board will ensure that (candidate) members and former members of the participation council and the (J)DPC will not experience any harm as a result of their position.

### Article 71: Byelaws

The participation council and the (J)DPC will draw up byelaws to govern its internal running, which must not conflict with these regulations.

The byelaws must, in any case, include rules on the way its meetings are held, the voting procedure, the decision-making process and minutes.

### Article 72: Official title

These regulations may be referred to as 'Fontys Regulations on the Participation Councils and Degree programme committees'.

### Article 73: Coming into force

These regulations come into force on the day following that on which the Executive Board adopts the regulations, having obtained the consent of the Joint Participation Council on the basis of the Fontys Participation Regulations that have applied since 10 April 1997.

1. Adopted on 19 November 1999, with the consent of the JPC of 19 November 1999.
2. Readopted on 22 February 2001, with the consent of the JPC of 22 February 2001.
3. Amended and readopted on 28 November 2005, subject to the consent of the CPC, which consent was obtained on 8 December 2005.
4. Amended with the consent of the CPC in order to meet the conditions of the Arbitration Board for education participation on 15 January 2009.
5. Amended and readopted in connection with changes to the WHW on 1 September 2010, changes in Fontys' services structure, the reduction of the number of database institutes to 1 (one) and the actualisation on 11 May 2010, subject to the consent of the CPC, which consent was obtained on 3 June 2010.
6. Amended and readopted on 20 October 2015, subject to the consent of the CPC, which consent was obtained on 20 November 2015.

7. Amended and readopted on 22 November 2016, subject to the consent of the CPC, which consent was obtained on 15 December 2016.
8. Amended and readopted on 4 April 2017 subject to the consent of the CPC, which consent was obtained on 29 June 2017. The articles regarding the Degree Programme Committee do not come into force until 1 September 2017.
9. Amended and readopted on 17 November 2020 subject to the consent of the CPC, which consent was obtained on 16 December 2020.
10. Amended and readopted on 15<sup>th</sup> December 2021 subject to the consent of the CPC, which consent was obtained on 14<sup>th</sup> January 2021.

## ANNEX I – FACILITIES MEMBERS PARTICIPATION COUNCILS AND DEGREE PROGRAMME COMMITTEES

Facilities Staff (fte)					
	CPC	IPC*	SDPC*	(J)DPC*	IPC/(J)DPC*
Member	0.15	0.10	0.05	0.05	0.15
Faction/vice chair	0.25	0.15		0.10	0.20
Chair	0.35	0.15	0.10	0.10	0.20

Student Facilities (in hours)**					
	CPC	IPC*	SDPC*	(J)DPC*	IPC/(J)DPC*
Member	336	168		84	252
Faction/vice chair	420	252		168	336
Chair	588	252		168	336

\* For the facilities for the IPC, the SDPC, the (J)DPC and the IPC/(J)DPC these numbers serve as a guideline, with the institute or the services department being required to at least grant the facilities as referred to here. In consultation with the relevant director, the IPC, the SDPC, the (J)DPC and the IPC/(J)DPC are free to agree on additional facilities.

\*\* The student facilities are awarded by calendar year and are divided equally across 12 months. The hourly rate is included in the Participation Councils and Degree Programme Committees Procedure. The level of the hourly rate is determined once every two years.

The [Participation Councils and Degree Programme Committees Procedure](#) provides the practical details of this facilitation.

With regard to the decentralised councils (IPC-(J)DPC-IPC/(J)DPC), it is usual practice for the chair of the body to also chair the faction they belong to. The chair of the other faction then automatically fulfils the role of vice chair. Two members of the decentralised bodies (staff member and student) are eligible for facilitation of the chair, faction chair or vice chair.

### Reservation CPC additional participation:

In addition to the relevant facilities for the CPC, an annual amount in the CPC budget can be set aside for the deployment of additional participation. This may consist of: the engagement of internal or external experts and/or the set-up of one or more participation committees for the benefit of a certain subject or file. The CPC will report on the use of this facility on an annual basis.