

**UNIVERSITEIT TWENTE.**

FACULTY OF BMS

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**Faculty Council Regulations  
of the Faculty of BMS**

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## **Preface**

In view of the provisions in the Higher Education and Scientific Research Act (WHW) and after approval of the Faculty Council, the Dean adopted the Regulations of the Faculty Council of the Faculty of Behavioural, Management and Social Sciences (BMS) on ....

## **I. GENERAL PROVISIONS**

### **Article 1 Terms and definitions**

1. In these regulations
  - a. the Act, WHW, is taken to mean the Higher Education and Scientific Research Act (WHW);
  - b. the Faculty is taken to mean the faculty of BMS;
  - c. the Dean is taken to mean the Dean of the faculty of BMS;
  - d. the Faculty Council is taken to mean the Faculty Council of the faculty of BMS, as referred to in Section 9.37 of the Act;
  - e. discussion-meeting is taken to mean the meeting in which the Faculty Council and the Dean hold joint discussions;
  - f. staff delegation is taken to mean the section of the Faculty Council that was elected from and by staff;
  - g. student delegation is taken to mean the section of the Faculty Council that was elected from and by students;
  - h. secretary is taken to mean the executive secretary of the Faculty Council;
  - i. days are taken to mean working days.

### **Article 2 Duties of the Faculty Council**

The duties and function of the Faculty Council are to engage employee participation to promote the development and implementation of high-quality policy in the interests of the Faculty and its staff and students while taking the various viewpoints and interests of the faculty into account.

1. Within the framework of this general aim the following special areas of responsibility have been determined:
  - a. the Faculty Council promotes, to the best of its ability, the quality of primary processes, scientific education and research within the faculty as well as of the facilities required for that purpose;
  - b. the Faculty Council promotes the involvement of staff and students in the general affairs of the faculty;
  - c. the Faculty Council promotes to the best of its ability, openness, publicity and joint consultation in the faculty.

In the faculty in general, the Faculty Council furthermore guards against any form of discrimination, promoting in particular the equal treatment of men and women as well as bringing in people with a disability and people from other countries of origin.

## **II. COMPOSITION AND TERM OF OFFICE**

### **Article 3 Composition**

1. The Faculty Council consists of 10 persons, of which half are members elected from and by the staff and the other half elected from and by the students.
2. The Faculty Council elects from its midst one chairperson and one or more deputy chairpersons.
3. The chairperson, or in his or her absence the deputy chairperson, represents the Faculty Council in legal affairs.
4. The executive committee of the Faculty Council, which is elected for a period of 1 year, consists of at least 3 and no more than 5 members. The chairperson and deputy chairperson form part of the

executive committee. Both the student delegation and the staff delegation are represented in the executive committee.

5. The executive committee is tasked, among other duties, with preparing for meetings. The executive committee makes agreements with the Dean about the procedures to be followed.
6. After consultation with the executive committee, the Dean appoints an executive secretary of the Faculty Council to support the Faculty Council. The executive secretary is responsible for drafting meeting agendas, sending documents and making reports of the meetings.

#### **Article 4 Term of office**

1. The Faculty Council members' term of office commences on 1 September of the year in which the elections took place.
2. The members of the staff delegation of the Faculty Council are elected for a period of two years.
3. The members of the student delegation of the Faculty Council are elected for a period of one year.
4. At the end of their term, the delegations resign in their entirety.
5. The resigning members of the Faculty Council are immediately eligible for re-election for a new term of office.

#### **Article 5 Elections**

The method and organization of the elections of members of the Faculty Council are set down in the Procedure for the Election of the Faculty Council, which is appended to and forms part of the faculty regulations.

### **III. GENERAL POWERS**

#### **Article 6 General powers of the Faculty Council**

1. The Faculty Council exercises, in respect of the Dean of the faculty, the right of approval and right of advice accorded to the Faculty Council, insofar as it concerns matters that are of particular importance to the faculty and the powers in question have also been granted to the Dean.
2. The Faculty Council may, when submitting a dispute, assume the advisory powers of the programme committee, insofar as it is consistent with the advice of the programme committee.
3. The Faculty Council is consulted in confidence regarding the appointment and dismissal of the Dean.
4. The council is entitled to put forward proposals and make known its opinions to the Dean in all matters relating to the faculty. The Dean provides the council with a written response to the proposals within six weeks, stating reasons, in the form of a proposal. Before responding, the Dean allows the council the opportunity to consult at least once with him or her on his or her proposal.
5. The council reports on its duties once a year in writing and ensures that all involved in the faculty can consult the report.
6. The council ensures that the agendas and reports of council meetings are sent to the Dean and are made available for inspection in a publicly accessible place in the faculty for interested parties.

#### **Article 7 Discussion meeting**

1. The Dean allows the Faculty Council the opportunity to discuss, at least twice a year, the general affairs of the faculty with the Dean.
2. The Dean and Faculty Council convene within a reasonable term, if requested to do so with statement of reasons by the Dean, the Faculty Council, the staff or student delegations. The meeting is held within a reasonable term after a request has been submitted.
3. The chairperson determines the time and location of the meeting. The secretary convenes the meeting by means of a written notification.
4. The council ensures that the agendas and reports of the council meetings are sent to the Dean and are made available for inspection in a publicly accessible place in the faculty for interested parties.
5. In the discussion meetings faculty-related matters are discussed, which the Dean or the Faculty Council consider appropriate to be brought up for discussion, or which must be brought up for discussion between the Dean and the Faculty Council in accordance with or pursuant to the Act.
6. During the meeting, the Dean may be assisted by one or more persons employed at the faculty.

7. The discussion meeting is chaired by the chairperson of the Faculty Council or his or her deputy.
8. The agenda of the discussion meeting is drafted in joint consultation between the chairperson and the Dean. Prior to the discussion meeting, each member of the Faculty Council may submit items for the agenda to the chairperson.
9. A discussion meeting is adjourned by the chairperson, if the Dean or the Faculty Council consider it advisable to hold separate deliberations on a certain matter.
10. The secretary of the Faculty Council draws up a report of the discussion meeting.

#### **Article 8 Publicity of discussion meeting**

1. The discussion meetings are public, unless the nature of the matter is incompatible with publicity in the opinion of the chairperson of the discussion meeting, the Dean or the Faculty Council. The decision to hold a private meeting must be substantiated.
2. If in a discussion meeting, or part thereof, the personal interest of a one of the Faculty Council members is at stake, the Faculty Council may decide that the member concerned does not participate in the discussion meeting or part thereof. The Faculty Council subsequently decides that the discussion of the matter in question takes place in a private discussion meeting or part thereof.
3. A confidential report is made of the private discussion meeting, or part thereof.

#### **Article 9 Setting up advisory committees**

1. The Faculty Council may set up advisory committees and consult experts in the discussion of matters.
2. The Faculty Council may appoint members of the Faculty Council and other persons to an advisory committee. The appointment of persons from outside the faculty is possible on prior consultation with the Dean.

#### **Article 10 Rules of procedure**

The Faculty Council may establish rules for its procedure and conduct of meetings, which may not conflict with the Act and these regulations. The rules of procedure contain at least the rules regarding the method by which the Faculty Council is convened, the internal meetings and its publicity, the agenda, the voting procedure, the decision-making process and reporting.

### **IV. FURTHER POWERS**

The powers of the Faculty Council described in articles 11 to 13 are, in accordance with Section 9.34 WHW, set down in the University Council regulations and have been reproduced literally from the Regulations of the University Council (UR) 2001, articles 24 and 25. The substance of these articles may not be amended.

#### **Article 11 Faculty Council's right of approval and right of advice**

1. The Dean requires the approval of the Faculty Council for each proposed decision in question with regard to the following topics:
  - a. the faculty regulations as referred to in Art. 9.14 of the WHW.
  - b. the teaching and examination regulations, as referred to in article 7.13 WHW with the exception of the topics mentioned in paragraphs 2 of article 7.13, topics a to g.
2. The right of approval also applies to:
  - a. the policy plan of the faculty;  
Regarding the policy plan of the faculty the Faculty Council has the following powers: The chair policy plan is part of the policy plan and major deviations of the outlines stated in the policy plan require the approval of the Faculty Council.
  - b. the design of the system of quality assessment as referred to in article 1.18 WHW, and the proposed policy in light of the results of the quality assessment, as referred to in article 2.9 WHW;
  - c. matters relating to health, safety and well-being in connection with work at the faculty; the faculty occupational health & safety and environmental policies.
3. The right of advice pertains to:
  - a. the faculty budget plan and accompanying annual plan;

- b. the teaching and examination regulations, as referred to in article 7.13, paragraphs a to g, of the WHW; the educational and student facilities;
- c. the accommodation policy and educational projects;
- d. the faculty PR and information policy.

#### **Article 12 Staff delegation powers**

1. The Dean ensures that the staff delegation of the Faculty Council is able to issue advice to the Dean in good time and to consult about proposed measures regarding the following:
  - a. the manner in which employment and service conditions are applied at the faculty;
  - b. the manner in which the general staff policy is implemented at the faculty;
  - c. matters concerning safety, health and well-being in connection with work at the faculty;
  - d. the organization and working method at the faculty;
  - e. the technical and economic services at the faculty.
2. The first paragraph is taken to mean right of advice regarding reorganization plans, in accordance with the reorganization code.
3. The rights of the staff delegation, referred to in the first paragraph, may be exercised to the degree of relevant powers the Dean has through a mandate from the Executive Board.
4. The staff delegation is entitled to put proposals to the Dean regarding the matters referred to in paragraph one.
5. The Dean requires prior consent from the staff delegation for each measure he or she is entitled to take and on which the staff delegation has issued its advice based on the first paragraph.
6. The Dean, in consultation with the staff delegation, establishes regulations regarding the exercise of rights as referred to in paragraphs 1, 4 and 5.

#### **Article 13 Further rules**

The provisions of articles 11 and 12 do not apply insofar as the matter concerned has been substantively regulated for the faculty in a regulation under or pursuant to the Act or a collective labour agreement; or if and insofar as the Executive Board has established university policy or rules with the approval of the University Council or the staff representative body OPUT.

#### **Article 14 Procedure to grant approval or advice**

1. Any decision to be taken by the Dean requiring the approval or advice of the Faculty Council is put to Faculty Council in writing by the Dean. The Dean will provide unasked the information the Faculty Council requires to issue advice on or approval of the decision to be taken.
2. The Dean provides reasons for the proposed decision and indicates, as far as possible, which consequences, in his or her opinion, the decision will have for the faculty, the staff and the students enrolled at the faculty, as well as which measures should, in his or her opinion, be taken when implementing the decision.
3. The Faculty Council, with regard to the proposed decision as referred to in the first paragraph of this article, will not exercise its authority of participation before consulting the Dean about the matter in hand, unless both parties indicate they have no need for this consultation.
4. The Faculty Council issues, as soon as possible and no later than 30 days after the proposed decision was put to the discussion meeting of the Faculty Council, its advice in writing to the Dean, or the Faculty Council states whether the requested approval has been granted, on the understanding that a proposed decision and the information as referred to in paragraphs 1 and 2 must be submitted to the Faculty Council secretary's office at least 10 days before the discussion meeting. In the event the Faculty Council does not come to a decision within the allotted time period, it is deemed to have approved of the proposal in question.
5. The time periods referred to in paragraph 4 of this article may be deviated from if the Dean and the executive committee of the Faculty Council agree to this.
6. If the Dean does not take a decision, or not in good time, it will equate to a decision.
7. If the Faculty Council gives the opinion that the Dean should have submitted a decision of the Dean to the Faculty Council, the Faculty Council will inform the Dean giving reasons. The Dean consults with the Faculty Council. If the Dean, after this consultation, still does not submit the decision to the Faculty

Council and the Faculty Council decides to maintain its point of view and notifies the Dean accordingly, a dispute is deemed to have arisen to which article 17 applies.

#### **Article 15 Request for an opinion**

1. If a decision to be taken by the Dean is to be submitted in advance to the Faculty Council for approval pursuant to these regulations, the Dean ensures the following:
  - a. that the Faculty Council is consulted for advice in such a time that it can actually affect the decision;
  - b. that the Faculty Council is able to consult with him or her before the advice is issued, subject to article 14, par.3;
  - c. that the Faculty Council, as soon as possible but no later than six weeks after the Dean received the written advice, is notified in writing of the manner in which the issued advice will be implemented, and
  - d. that the Dean, should he or she not wish to follow the advice or not in its entirety, informs the Faculty Council in writing stating reasons and that he or she enables the Faculty Council to consult with him or her further before the final decision is taken;
  - e. that if the final decision is taken contrary to the advice of the Faculty Council, the reasons are stated on the decision.
2. If the Dean took a decision, thereby not following the issued advice or not in its entirety, and the Faculty Council is of the opinion that the decision is detrimental to the interests of the Faculty or the interests of the Faculty Council, the procedure as described in article 17 is followed.

#### **Article 16 Request for consent**

1. If a decision to be taken by the Dean is to be submitted in advance to the Faculty Council for approval pursuant to these regulations, the Dean ensures that the Faculty Council's approval is sought in such a time that consultation on the proposed decision can actually affect the final decision.
2. The Faculty Council does not decide on approval or otherwise before the proposed decision has been discussed, subject to art. 14, par.3.
3. Within six weeks of receiving the written notification from the Faculty Council that it does not grant approval of a proposed decision, the Dean notifies the Faculty Council in writing whether the proposed decision will be withdrawn or maintained.
4. If the proposal as referred to in paragraph 3 is maintained, the procedure as described in article 17 is followed.

#### **Article 17 Disputes**

If a dispute arises between the Dean and the Faculty Council, the Dean or the Faculty Council notifies, in accordance with the provisions of Section 9.40 (4) WHW, the Executive Board of this dispute. The Executive Board submits the dispute to the national disputes committee, as referred to in section 9.39 *et seq.* WHW, unless the Executive Board is of the opinion that the dispute can be resolved without the disputes committee intervening and it accompanies that opinion with a proposal to resolve the dispute, which both the Dean and the Faculty Council agree to.

## **V. RIGHTS AND RESPONSIBILITIES**

#### **Article 18 Duty of disclosure**

1. The Dean provides the Faculty Council, on request or otherwise, in time but no later than 3 weeks, with all information it needs to reasonably fulfil its duties. This period may only be exceeded in exceptional cases and must be reported to the Faculty Council with a statement of reasons.
2. The information supplied by the Dean in accordance with paragraph 1 is to be submitted in writing, unless agreed otherwise.
3. The Dean informs the Faculty Council at least once a year in writing of the policy pursued in the previous year and of its policy intentions for the coming year with regard to the Faculty on financial, organizational and educational matters.

4. The Dean supplies the Council at the beginning of the academic year in writing with the basic information regarding the organization of the faculty and the main points of the policy already adopted.
5. The Dean notifies the Faculty Council immediately of important developments and intentions regarding the matters described in the policy plan of the faculty.
6. The Dean and the executive committee of the Faculty Council hold substantive meetings on a regular basis to discuss current matters.

#### **Article 19 Protection against prejudice**

The Dean ensures that the members of the Faculty Council are not prejudiced on their position with regard to the Faculty by virtue of their membership of the Faculty Council. This applies equally to candidate members and former members.

#### **Article 20 Confidentiality**

1. The members of the Faculty Council and the members of the Faculty Council committees, as well as consulted experts are obliged to preserve the confidentiality of all matters that come to their attention in the course of their duties, in respect of which the Dean or the Faculty Council or the committee in question impose confidentiality on them. The intention to impose confidentiality is announced as far as possible before the matter is handled. The party imposing confidentiality also imparts which written or oral information is confidential, how long confidentiality is in effect and whether there are people in respect of whom confidentiality need not be observed.
2. The first paragraph applies equally to those entrusted with the secretary's office of the Faculty Council or one of the Faculty Council committees.
3. The obligation as mentioned in the first paragraph does not apply to those who under adjudication are responsible for an investigation into the situation in the Faculty.
4. Neither does the obligation referred to in the first paragraph apply to a person approached by a member of the Faculty Council or a member of a Faculty Council committee for consultation, providing that the Dean, or the party imposing confidentiality, has given prior consent to the meeting with the person concerned and the latter has stated in writing that he or she undertakes to maintain confidentiality regarding the matter concerned. In that case paragraph 1 applies equally to the
5. person referred to.
6. A refusal to grant the consent referred to in the previous paragraph is substantiated by the Dean or the person imposing confidentiality.
7. The obligation to observe confidentiality does not lapse when membership of the Faculty Council or of the committees involved is terminated.

#### **Article 21 Facilities of the Faculty Council**

1. The Dean authorizes the Faculty Council to use the facilities available to it and which the Faculty Council needs to reasonably fulfil its duties.
2. The costs that the Faculty Council and the committees of the Faculty Council need to reasonably fulfil their duties are charged to a budget specified by the Dean.
3. The costs incurred in consulting an expert or appointing an external advisor by the Faculty Council or a committee of the Faculty Council are charged to this budget, if and insofar as the Dean was given prior notification of the costs to be incurred.
4. Any costs that may exceed said budget are only charged to the Dean if the Dean was given prior notification of the costs to be incurred in excess of the budget and if he or she gave his or her consent.
5. The Faculty Council meets during normal working hours where possible.
6. Staff members of the Faculty Council retain their entitlement to be paid their salary for the time they were unable to perform their stipulated work as a result of participating in Faculty Council meeting.

## **VI. METHOD**

#### **Article 22 Convening a meeting**

1. The Faculty Council convenes in the following cases:
  - a. on the request of the chairperson;



- b. on the request of at least one third of the members.
2. The chairperson determines the time and location of the meeting. A meeting requested by the Faculty Council members convenes within a fortnight of the request being submitted to the chairperson.
3. The secretary convenes the meeting by means of a written notification to the members. Except for urgent matters, the meeting is convened at least 7 days before the day it is to be held.
4. The meeting may only take place if at least half the members of both delegations (staff and student delegations) are present.

#### **Article 23 Responsibilities of the secretary**

1. The secretary is responsible for convening the Faculty Council, setting the agenda, drafting a report of the meeting, as well as for the exchange of letters and management of the documents intended for and issuing from the meeting.
2. In joint consultation with the chairperson, the secretary sets the agenda for each meeting. Each member of the Faculty Council may submit to the secretary a proposal to place an item on the agenda.
3. The secretary announces the agenda to the members of the Faculty Council, the Dean and the staff members. Except for urgent matters, the agenda is announced at least 7 days before the day the Faculty Council meeting is to be held.

#### **Article 24 Voting procedure**

1. The Faculty Council takes its decisions by a majority of votes. A proposal is adopted if more members voted for the proposal than against, regardless of the number of blank votes. The vote of a member of the Faculty Council counts as one vote.
2. An oral vote is used for business matters whereas matters pertaining to persons are voted on using ballots.
3. A vote is carried out on the request of the chairperson or any of the members. If a vote is not requested on a proposal, the proposal is adopted.
4. The vote is valid only if at least half of the members, who hold a seat and were not required to refrain from voting on the grounds of article 8.2, participated in the vote. Every member present during the vote and who is not required to refrain from voting on the grounds of article 8.2, is obliged to vote for, against or to abstain.
5. If, when voting to appoint a person, no candidate achieves a simple majority, a second vote is held between the two candidates who got the most votes in the first vote. During this second ballot, the person with the most votes is elected. In the event of a tie, the decision will be taken by lot.
6. In the event of a tie on a proposal to be taken by the Faculty Council not related to the appointment of a person, this proposal is revived at the following meeting. In the event of another tie, the proposal is deemed to have been rejected.

#### **Article 25 Report of meeting**

1. A report is drawn up of each Faculty Council meeting and discussion meeting. The secretary sends this report to the members as soon as possible.
2. Unless a member of the Faculty Council submits a reasoned objection to the report within 1 week of sending, the secretary will disclose the report to the Dean, staff members and students. The report to be disclosed does not contain information agreed to be confidential.
3. If an objection as referred to in the above paragraph is made, the secretary publishes the report only after the Faculty Council has taken a decision about the report.

#### **Article 26 Faculty Council annual report**

1. Before 1 September of each year, the secretary drafts a report on the Faculty Council's activities during the previous year. This annual report must be approved by the Faculty Council.
2. The secretary discloses the report, as soon as possible after its approval, to the Dean, staff members and students.

## **VII. FINAL PROVISIONS**

**Article 27 Amendments to these regulations**

1. These regulations may be amended and supplemented by a decision taken by the Dean.
2. Before deciding on an amendment or supplement, the Dean presents the amendment or supplement to the Faculty Council. The Dean will not adopt the amendment or supplement unless the proposal has acquired the approval of two-thirds of the members of the Faculty Council.

**Article 28 Citation**

This regulation may be cited as: Faculty Council Regulations of the faculty of BMS November 2016.