

Participation Regulations

Avans University of Applied Sciences

Subject	Avans University of Applied Sciences Participation Regulations
Basis	Article 10.21 of the Higher Education and Research Act
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Preamble

Student and staff participation at Avans is regarded as useful and valuable. There are three levels of participation at Avans.

- Central level: Avans Joint Consultative Council
- Decentralised level: school consultative councils, department councils and Centres of Expertise council
- Sub-decentralised level: study programme committees.

The Avans Joint Consultative Council, school consultative councils and study programme committees are joint representative bodies and therefore consist of employees and students. The department councils and Centres of Expertise council consist only of employees. This document contains four sets of regulations: the Joint Consultative Council regulations, the regulations for the school consultative councils and department councils, the regulations for the Centres of Expertise council, and the regulations for the study programme committees.

Representative bodies are jointly responsible for the effective organising and voicing of all views and opinions at Avans and for creating support for the policies being pursued. To that end, the representative bodies must be involved, in a timely and structural manner, with policy making and decision making. Representative bodies are involved throughout the policy development process.

The central representative body (the Avans Joint Consultative Council) is concerned with strategy and policy and the functional and organisational policies that derive from them. The school consultative councils and department councils focus on policy and developments in their own schools and service departments. The Centres of Expertise council focuses on policy and developments in each Centre of Expertise. Finally, the study programme committees concentrate on matters relating specifically to their own study programme.

Note

This document is a courtesy translation of the “2022-271 Medezeggenschapsreglement Avans Hogeschool”. In case of a discrepancy, the original Dutch text shall prevail

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Chapter 1: The Avans Joint Consultative Council regulations

Section 1: General provisions

Article 1 - Definitions

The terms below are defined in these regulations as follows:

School:	The operational unit at Avans, in which the Avans core competences in particular are organised and which carries out the primary process.
The school consultative council:	decentralised representative body of the school. The structure and powers of the school consultative councils at Avans are laid down in the Avans regulations for school consultative councils and department councils.
Official secretary:	official charged with the secretarial and policy support duties of the Joint Consultative Council.
Joint Consultative Council:	the central representative body referred to in Article 10.17 of the Higher Education and Research Act.
Avans:	Avans University of Applied Sciences, the institution (university of applied sciences) based on and maintained by the Avans Foundation.
CAO-HBO:	The prevailing collective labour agreement for higher professional education of the Netherlands Association of Universities of Applied Sciences, as it reads or shall read, including the appendices to the agreement.
Centre of Expertise:	Operational unit at Avans, charged with the carrying out of research.
Centre for Student and Staff Participation:	The team with the responsibility for supporting participation at Avans.
Centres of Expertise council:	Decentralised representative body of the Centres of Expertise. The structure and powers of the Avans Centres of Expertise council are laid down in the regulations for the Avans Centres of Expertise council.
Executive Board:	the governing body at Avans, described as such in the articles of association and in the Higher Education and Research Act.
Disputes committee:	The committee referred to in Article 10.26 of the Higher Education and Research Act.
Sub-council:	school consultative council, department council or Centres of Expertise council
Service department:	The operational unit at Avans that carries out operational processes that support the primary process.
Department council:	Decentralised representative body of the service department unit. The structure and powers of the department councils at Avans are laid down in the Avans regulations for school consultative councils and department councils.
Dean:	The official described as such who is in charge of an Avans school or service department, as the case may be.
Section:	The employee section or the student section.
Study programme:	A coherent whole of educational units intended for the fulfilment of well-defined objectives concerning the knowledge, understanding and

	skills that an individual should possess upon completion of the programme, as referred to in Article 7.3, paragraph 2 of the Higher Education and Research Act.
Study programme committee:	A committee for a study programme of a school, as referred to in Article 10.3c of the Higher Education and Research Act. The structure and powers of the study programme committees at Avans are laid down in the Avans regulations for study programme committees.
Employee:	person employed by the Avans Foundation on the basis of an employment contract.
Supervisory Board:	The supervisory administrative body of Avans, as described as such in the articles of association and in the Higher Education and Research Act.
Student:	An individual who is enrolled as a student on a study programme in accordance with Article 7.32 et seq. of the Higher Education and Research Act.
Trade unions:	Parties who have concluded the CAO-HBO on behalf of the employees.
WHW:	the Higher Education and Research Act

Article 2 - Composition of the Joint Consultative Council

1. The Joint Consultative Council has between ten and 24 members.
2. The number of elected employees and students is equal.
3. The members of the Joint Consultative Council are appointed on the basis of the result of the mandates obtained through elections.
4. In the case of an interim or permanent vacancy on the Joint Consultative Council, the provisions of Article 33 of these Joint Consultative Council regulations will apply.

Article 3 - Period of office

1. The employee members of the Joint Consultative Council are elected for a period of office of four years, and the student members for a period of two years. For the sake of continuity, the student section is subject to an overlapping arrangement. This overlapping arrangement is used for a continuous period of four years. The student section and the employee section hold elections at the same time, every four years. The specific details of the overlapping arrangement for the student section are set out in a separate document.
2. The holders of functions on the Joint Consultative Council do not automatically retain their functions after their re-election as members. Following council elections, the Joint Consultative Council therefore has to nominate a new Executive Committee, in accordance with article 10 of these regulations.
3. The period of office for all members of the Joint Consultative Council starts with the inauguration of the council after an election.
4. In the event of an interim vacancy being filled in accordance with Article 33, the period of office shall be in accordance with said article.
5. There is no limit on the number of times members of the Joint Consultative Council may be elected, provided all the eligibility requirements have been met (see Section 5 of these Participation Regulations).

Article 4 - Termination of membership

Membership of the Joint Consultative Council ends:

1. When the period stated in Article 3 of these regulations has elapsed.
2. In the event of termination of the member's employment contract.
3. In the event of a student no longer being enrolled on an Avans study programme.
4. By means of a written resignation by a Joint Consultative Council member, addressed to the chair of the Joint Consultative Council.
5. As a result of an appointment to a position at Avans that, on the grounds of the WHW or these regulations, is incompatible with membership of the Joint Consultative Council.
6. In the event of the member of the Joint Consultative Council being placed under guardianship as a private individual, in the event of the assets of the member of the Joint Consultative Council being placed in administration, or in the event of the statutory debt restructuring scheme for natural persons being applied to the member of the Joint Consultative Council.
7. Exclusion as a member of the Joint Consultative Council, in accordance with Article 5, below.
8. Death of the relevant member of the Joint Consultative Council.

Article 5 - Exclusion/penalty

1. With regard to the provisions in the following paragraphs, the Joint Consultative Council may exclude a member:
 - a. If a member of the Joint Consultative Council does not meet the obligations of membership of the council, they may be expelled from the council.
 - b. Such an expulsion may only be effected with a two-thirds majority of the number of valid votes cast in a meeting where at least 50% of the Joint Consultative Council members are present.
 - c. The vote on expulsion shall take place only after the member involved has been given the opportunity to present their case.
2. If a student member does not carry out their duties, or does not do so to a sufficient degree, by being repeatedly absent without good reason, for example, their payment (see Article 8) may be stopped, in part or in full.

Article 6 - Replacement

1. In the case of the long-term absence of a member, the Joint Consultative Council may decide, at the proposal of the relevant section, to replace them during their absence, until but not beyond the end of the period of office of the absent member.
2. During this replacement period, the member who has been replaced may not exercise the powers of their membership of the Joint Consultative Council.
3. The interim member should preferably be selected from the most recent list of candidates of the relevant section, with the candidate receiving the most votes being considered as the first choice as the replacement member.
4. In the event of a long-term absence of a member of the Executive Committee, the Joint Consultative Council may decide, of its own volition or at the request of the Executive Committee, to replace the member during their absence, until but not beyond the end of the period of office of the absent member. The election of a replacement member of the Executive Committee takes place in accordance with Article 10, paragraph 1 of these Participation Regulations.

Article 7 - Confidentiality

1. Members of the Joint Consultative Council have a duty of confidentiality on all matters of which they become aware in their capacity and on which the Executive Board or the Joint Consultative Council has imposed confidentiality or the confidential nature of which should be understood.
2. The person who imposes confidentiality will state which written or verbal information is subject to confidentiality and for how long, as well as whether there are persons to whom this duty of confidentiality does not apply.
3. The duty of confidentiality does not expire upon termination of Joint Consultative Council membership or upon termination of the person's relationship with Avans.

Article 8 - Facilities/amenities

1. For the purposes of exercising participation duties, the resources made available shall include at least a meeting room and archiving space. This room should be equipped with facilities regarded as normal for the execution of the relevant tasks.
2. In consultation with the Executive Board, the Joint Consultative Council is allocated a budget for the reimbursement of costs related to its activities, including a training budget and a budget for the hiring of internal or external experts.
3. Time is allocated to staff and students on the Joint Consultative Council, which is converted into financial reimbursement. For the chair, 20 hours per week from their working hours (regardless of the scope of their employment contract) shall be made available for their participation on the Joint Consultative Council. For other members of the Executive Committee, 11 hours per week from their working hours (regardless of the scope of their employment contract) shall be made available for their participation on the Joint Consultative Council, and for the regular members, eight hours per week (regardless of the scope of their employment contract). The costs of the hours allocated for Joint Consultative Council-related duties are charged to the Joint Consultative Council by the schools and service departments where the members are employed.
4. The student members of the Joint Consultative Council receive a reimbursement that amounts to €11.99 net per hour. Payments are made during ten months of the financial year, excluding the summer holiday months of July and August. The Executive Committee student members and the chair of the student section, if the latter is not a member of the Executive Committee, are paid for 47.6 hours per month, and the regular student members, 34.6 hours. Student members should submit an online expense claim form to the official secretary to the Joint Consultative Council every month, stating the hours they have worked and any other expenses incurred, such as those for student organisations. For participation activities that are agreed in advance, time is made available on a claims basis, to which the aforementioned reimbursements for students apply. The charging mechanism applies in the case of the employee section.
5. Student members receive a service pass from Avans that can be used for printing and copying, gaining access to Avans buildings, and for coffee/tea. The pass gives access to Avans car park facilities for students who do not have a public transport pass.
6. Student members enter into a flexible agreement upon their election to the Joint Consultative Council. The official secretary to the Joint Consultative Council is responsible for arranging this.
7. Student members of the Joint Consultative Council who are not entitled to a public transport product are eligible for reimbursement of their travel expenses whenever they travel for activities related to the Joint Consultative Council. Student members of the Joint Consultative Council who are entitled to a public transport product are only eligible for reimbursement of

their travel expenses if travel by public transport they undertake for activities related to the Joint Consultative Council takes longer than one hour (one way). Avans calculates such journeys from door to door, in accordance with the regulations on working from home and travel expense reimbursement. Student members receive the regular rate applied by Avans for external employees. Student members should claim the distances they have travelled (in kilometres) at the same time they claim their hours.

8. Employee members of the Joint Consultative Council are covered by the usual Avans employee reimbursement claim regulations, in relation to their travel expenses.
9. The reimbursement of any other expenses incurred by Joint Consultative Council student and employee members in connection with Joint Consultative Council activities will be considered on a case-by-case basis. It is advisable to discuss reimbursement of such expenses with the official secretary or the chair of the Joint Consultative Council before the expenses are actually incurred in order to avoid disagreement at a later stage.
10. Student members of the Joint Consultative Council may view, through a student member of the Executive Committee, the budget that is available for activities such as PR or campaigns.
11. Both employee and student members of the Joint Consultative Council are entitled to exemption from their employment or study activities that take place after 12.00 on Tuesday afternoons in order to carry out their Joint Consultative Council duties.

Article 9 - Legal protection

The Executive Board shall ensure that members of the Joint Consultative Council are not at an advantage or a disadvantage by virtue of their membership. This also applies in respect of prospective and former members. The Executive Board shall also ensure that the employee members of the Joint Consultative Council are permitted by their supervisors to carry out their Joint Consultative Council duties.

Section 2: Procedures and general duties and powers of the Joint Consultative Council

Article 10 - Executive Committee of the Joint Consultative Council

1. The Joint Consultative Council elects an Executive Committee from its members, 50% plus one of the total number of Joint Consultative Council members being required for each candidate. This is done by secret written ballot. The Joint Consultative Council shall always elect a new Executive Committee at the start of a new period of office, following a general election. The Joint Consultative Council and its Executive Committee are supported by the Centre for Student and Staff Participation.
2. The Executive Committee consists of at least three and no more than five members (including the chair), coming from the employee and student sections. The chair of the Joint Consultative Council is also the chair of the Executive Committee. In addition to the chair, there is a vice-chair who forms part of the Executive Committee. The chair comes from the employee section and the vice-chair from the student section.
3. The chair or vice-chair represents the Joint Consultative Council in both legal and non-legal matters.
4. The Executive Committee has the following tasks:

- a. periodic coordination meetings with the chair or a member of the Executive Board with a view to, among other things, jointly drafting an annual planning cycle for topics subject to student and staff participation. To that end, the Executive Board and the Executive Committee identify topics on the basis of the following criteria:
 - topics for which the right of approval and the right to advise are statutory requirements;
 - topics that are important for the long-term strategy and the policy of the whole institution;
 - topics in the Avans ambition plan;
 - topics of significant current relevance may be identified ad interim and included in the planning schedule.
 - b. determining the status of topics being dealt with; for information, for giving advice, for approval.
5. The Executive Committee, in conjunction with the Executive Board, is authorised to set the joint planning schedule, the method for dealing with topics and the current status of same. The Joint Consultative Council verifies that the schedule meets the criteria referred to in this article.
 6. The creation of the planning schedule and the maintaining of the planning cycle are supported by the Centre for Student and Staff Participation.

Article 11 - Consultation

1. The language used in the meetings of the Joint Consultative Council and in its documents is Dutch, unless agreed otherwise.
2. The Joint Consultative Council meeting structure involves a six-weekly cycle, with three categories of meeting: A, B and C.
3. B meetings are public Joint Consultative Council meetings involving the employee and student sections. C meetings are also held in public, and involve consultations and decision-making with the entire Executive Board or individual members of the Executive Board. The Executive Board may request the Joint Consultative Council to use B or C meetings to investigate ideas and proposals that have not yet been considered for a decision. This is done in coordination with the Executive Committee of the Joint Consultative Council or with the spokespersons for a particular theme. A meetings are closed meetings, involving preparatory consultations of the employee and student sections separately.
4. The Executive Committee of the Joint Consultative Council holds coordination and agenda consultations once every six weeks with the chair and secretary of the Executive Board.
5. At least twice a year, a delegation from the Supervisory Board attends a meeting of the Joint Consultative Council on behalf of the Supervisory Board, at the invitation of the Joint Consultative Council. The Executive Board may also attend these meetings. The general state of affairs at Avans is discussed at these meetings. The Joint Consultative Council has the option of consulting the Joint Consultative Council portfolio holder on the Supervisory Board at any time.

Article 12 - Reporting

1. The Joint Consultative Council is responsible for sending the agendas and the minutes of its meetings to the Executive Board and to the sub-councils, in accordance with Article 10.19, paragraph 8 of the WHW.
2. The Joint Consultative Council ensures that the agendas and minutes are available for any interested party.

3. The Joint Consultative Council produces an annual written report of its activities and ensures that it is brought to the notice of all persons involved with Avans. Since 2016, this has been done via integrated reporting. This means the annual reports by the Joint Consultative Council are integrated in Avans' own annual reports.
4. The Centre for Student and Staff Participation is responsible for the points in this article.

Article 13 - The sections of the Joint Consultative Council

1. In accordance with Article 10.16a, paragraph 1 of the WHW, the option of joint participation has been enacted, with the Joint Consultative Council at Avans consisting of two sections, a staff section and a student section.
2. The sections are authorised, either on request or at their own volition, to issue recommendations and submit motions to the Joint Consultative Council about matters that particularly affect their section.
3. For the planning cycle, the sections identify topics in good time for the overall planning schedule that is set down by the Executive Committee in conjunction with the Executive Board. When identifying topics, the criteria referred to in Article 10, paragraph 4, shall be observed.
4. For meetings at which decisions are to be taken, the sections prepare topics and have an advisory role.

Article 14 - General duties of the Joint Consultative Council

1. To the best of its ability, the Joint Consultative Council promotes openness, transparency, quality and mutual consultations at Avans, as meant in Article 10.19, paragraph 3 of the WHW.
2. The Joint Consultative Council also guards against discrimination on any grounds whatsoever and promotes equal treatment, as meant in Article 10.19, paragraph 4 of the WHW.
3. The Joint Consultative Council undertakes to help pursue the objectives and established mission of Avans.
4. The members of the Joint Consultative Council perform their duties without being bound by any instructions or mandate. In performing their duties, they shall focus on the interests, objectives and further development of Avans.

Article 15 - General powers of the Joint Consultative Council: the right of initiative and the right to information

1. The Executive Board shall give the Joint Consultative Council the opportunity to discuss general university affairs at least twice a year, which meetings may be held in addition to or at the same time as the meetings with the Executive Board referred to in Article 11. The parties may also be convened if any of the parties makes a reasoned request to that effect.
2. The Joint Consultative Council is authorised to discuss all matters of importance to Avans. The Joint Consultative Council is authorised to make proposals on these matters and make its positions known to the Executive Board. This is the right of initiative. The Executive Board should give a reasoned written response to the Joint Consultative Council within three months, in accordance with Article 10.19, paragraph 2 of the WHW, in the form of a proposal.
3. The Joint Consultative Council also has the corresponding authority, as meant in Article 10.19, paragraph 4 of the WHW, and Article 21, paragraph 2, of the Equal Treatment (Men and Women) Act.

4. The Executive Board shall promptly provide the Joint Consultative Council, whether solicited or not, all the information it may reasonably and fairly need to carry out its duties.
5. Promptly, as referred to in paragraph 4, shall be defined as at least ten working days before the start of the six-weekly meeting cycle referred to in Article 11 of these regulations. The information should be provided to the Joint Consultative Council in writing as much as possible, through the official secretary to the Joint Consultative Council.
6. In urgent cases, the period referred to in paragraph 5 may be disregarded.
7. At least once a year, the Joint Consultative Council receives information describing the employment conditions and agreements for each group of people working at the institution, the members of the Executive Board and the Supervisory Board.

Section 3: Special powers of the Joint Consultative Council

Article 16 - Criteria for the right to advise and right of approval

The right to advise and right of approval are subject to the following criteria:

1. the Executive Board carefully balances the various relevant interests;
2. the provision of information is appropriate and timely (see Article 15 of these regulations);
3. there is a balanced assurance of interests of students and employees.

Article 17 - Deadlines and decision-making

1. The Joint Consultative Council gives the Executive Board an indication of whether or not it will give its consent to a proposed decision. This takes place within six weeks of receipt by the official secretary to the Joint Consultative Council of the proposed decision.
2. If the Executive Board requests the advice of the Joint Consultative Council on a proposed decision on the basis of these regulations, the Joint Consultative Council shall issue its advice within six weeks of receipt by the official secretary to the Joint Consultative Council of the proposed decision.
3. The deadlines specified in this article may be deviated from if the parties agree to do so in writing. These deadlines are also adjusted if and to the extent that holiday periods fall within the specified six-week timeframe. Additionally, in cases of urgent interest, the parties may agree in writing to deviate from the deadlines outlined in paragraphs 1 and 2.
4. Each member of the Avans Joint Consultive Council has an equally weighted vote. The Avans Joint Consultive Council votes during the meeting. Votes are announced on the agenda. Members of the Joint Consultive Council who expect to be absent may submit their votes in writing to the official secretary from the time of the preliminary announcement up to the meeting. For a valid vote, a majority of the seated members must be present either digitally or physically, or must have cast their votes beforehand. A member may vote for or against or abstain from voting. Abstentions are not included in the calculation of the total number of votes cast and therefore do not count towards the determination of the voting outcome, but they do count towards determining the validity of the vote. A decision is approved if the majority—i.e., half plus one—of the total votes cast is in favour. This is only different if explicitly stated in the regulations of the Joint Consultive Council. If a valid vote cannot take place during a meeting, the vote is postponed to a subsequent (additional) meeting of the Joint Consultive Council. In this meeting, the decision in question may be taken by a majority of votes cast, regardless of the number of councillors present.
5. If the Joint Consultative Council withholds its approval, or advises against the proposal, the proposed decision – amended or not – will be submitted to the Joint Consultative Council for a second time. In this case, the Joint Consultative Council shall inform the Executive Board in writing whether it has issued its approval or advises in favour of the proposal in the second instance. within six weeks of receipt by the secretary to the Joint Consultative Council of the

amended proposed decision. In the absence of any such approval or advice in the second instance also, the provisions in the disputes procedure in Section 4 of these regulations will apply.

Article 18 - Right of approval of the whole Joint Consultative Council

1. Notwithstanding the provisions of the articles of association or the management regulations, the Executive Board requires the consent of a simple majority of votes by the members of the Joint Consultative Council for a proposed decision or adoption thereof or amendment thereto, if it concerns any of the following subjects:
 - a. ambition plan (= institutional plan in accordance with Article 2.2 of the WHW);
 - b. planning letter;
 - c. the main points of the annual budget, in any case including the intended distribution of funds across the policy domains of teaching, research, premises and management, investments and staff;
 - d. quality assurance and proposed policies emanating from the results of a quality assessment;
 - e. the Student Charter;
 - f. executive and management regulations;
 - g. the education and examination regulations framework, as referred to in Article 7.13 of the WHW;
 - h. rules relating to working conditions (health, safety and well-being);
 - i. the policies of the institution regarding the graduation fund/Avans Fund for financial support of students and other schemes for financial support for students covered by Articles 7.51 to 7.51k of the WHW;
 - j. Participation Regulations;
 - k. tuition fees (including institutional tuition fees) and the underlying policy of same;
 - l. the setting of or amendments to the facilities and funds at the disposal of the Joint Consultative Council;
 - m. requests to the Minister to derogate from the statutory participation rules in exceptional circumstances (Article 10.37 of the WHW);
 - n. adoption of or amendments to codes of conduct (including the use of computer facilities and the internet, privacy regulations, regulations on inappropriate behaviour (sexual harassment and aggression; see Article U-1 of the CAO-HBO), student counsellor code of conduct);
 - o. rules regarding work placement and work experience positions.
2. Notwithstanding the provisions of the articles of association or the management regulations, the Executive Board requires the consent of a simple majority of votes by the members of the Joint Consultative Council for a proposed decision or adoption thereof or amendment thereto, if it concerns:
 - a. the profiles and selection procedures relating to the members of the Executive Board. The selection committee involved in a selection procedure shall include a Joint Consultative Council member from the student section and one from the employee section. With regard to a proposed decision by the Supervisory Board on the appointment or dismissal of a member of the Executive Board, the Joint Consultative Council has the right to advise;
 - b. the suspension of a member of the Executive Board and the setting of the level of remuneration for the Executive Board;

- c. the setting of or amendment to the allocation of tasks on the Executive Board;
 - d. the nomination of a member of the Supervisory Board.
3. Notwithstanding the provisions of the articles of association or the management regulations, the Executive Board requires the consent of a simple majority of votes by the members of the Joint Consultative Council for a proposed decision or adoption thereof or amendment thereto, with regard to the organisation (or continuity of same):
- a. a fundamental change to the Avans organisation (that deviates from the organisation described in the management regulations), including a restructuring plan that extends beyond individual schools or service departments;
 - b. the objectives of Avans, or the principles on which it is based;
 - c. the transfer, conversion, or splitting up of Avans or any part thereof, or the merger of Avans with another educational institution;
 - d. the termination, significant reduction, or expansion of the activities of Avans or of a significant part of Avans;
 - e. the long-term partnership between Avans and another educational institution;
 - f. the establishment or termination of a legal entity that forms part of Avans.
4. The Executive Board requires the consent of a simple majority of votes by the members of the Joint Consultative Council on subjects in the joint annual schedule in the following areas:
- a. teaching policies;
 - b. student policies;
 - c. ICT policies;
 - d. policies concerning premises, including new buildings, major rebuilding work, or extensive maintenance. To establish what exactly this entails and what the rights of the Joint Consultative Council are in this regard, the chair and vice-chair of the Joint Consultative Council, the building premises director, and the Executive Board portfolio holder discuss proposed plans for the building premises at least once a year;
 - e. policies regarding contract activities.

Article 19 - Right of approval of the employee section of the Joint Consultative Council

1. The Executive Board requires the prior consent of the part of the Joint Consultative Council that is elected from and by employees for any decision to be taken by the Executive Board concerning matters of general interest to the special legal status of employees, to the extent that this has been entrusted to the employee section of the Joint Consultative Council by the prevailing CAO-HBO (in accordance with Article 10.24 of the WHW). The part of the Joint Consultative Council that is elected from and by students shall be given the opportunity to give advice on these matters. This concerns these topics and topics that have been entrusted to the employee section, whether in accordance with the CAO HBO or not, including:
- a. the application code, in accordance with Article C-1, paragraph 2 of the CAO HBO;
 - b. the working hours arrangement, in accordance with Article G-2, paragraph 1 in conjunction with Chapter J of the CAO HBO;
 - c. a scheme for reducing the working hours for older employees, in accordance with Article M-2-c of the CAO HBO;
 - d. a transport plan, in accordance with Article I-4, paragraph 1 of the CAO HBO;
 - e. compulsory days off, in accordance with Article J-8, paragraph 4 of the CAO HBO;
 - f. policy for onboarding new employees, in accordance with Article M-1-c of the CAO HBO;
 - g. the spending targets of the sustainable employability budget, in accordance with Article M-1-g of the CAO HBO;

- h. regulations about the way in which the sustainable employability budget scheme is carried out in practice, in accordance with Article M-1-h of the CAO HBO;
 - i. the professionalisation plan, in accordance with Article O-1 of the CAO HBO;
 - j. the task distribution model within the university of applied sciences framework, in accordance with Article G-2, paragraph 4 of the CAO HBO;
 - k. the policies on appointments, dismissals, promotions and mobility;
 - l. the structure of the job classification system.
2. The employee section of the Joint Consultative Council may designate a delegate to take part in the CAO discussions at the institution.
 3. The Executive Board shall provide the employee section of the Joint Consultative Council with the agenda and all documentation relating to the CAO discussions in good time, as well as with any information that is reasonably required for the proper fulfilment of its tasks.
 4. The employee section of the Joint Consultative Council has the following powers in relation to working conditions:
 - a. the right to make its opinions known and to be heard;
 - b. the right to request the application of a law;
 - c. the right to submit an objection;
 - d. a right of approval in relation to the choice of an occupational health and safety officer and the content of their contract, as well as (with effect from 1 July 2017) the choice of a prevention officer and their position in the organisation;
 - e. other Working Conditions Act and Decision powers allocated to representative bodies, to the extent that they do not concern decisions taken by the Executive Board, as meant in Article 18, paragraph 1 under h, of these Joint Consultative Council regulations. This also includes (from 1 July 2017) meetings between the Joint Consultative Council, the prevention officer, the company doctor, and the occupational health and safety service.

Article 20 - the right to advise of the Joint Consultative Council

1. The Executive Board requests the prior advice of the Joint Consultative Council in relation to any proposed decision to adopt or amend:
 - a. the profile of the Supervisory Board or its members; The Joint Consultative Council has the right to nominate a member of the Supervisory Board;
 - b. the Social Charter.
2. With regard to topics that are entrusted to CAO parties in accordance with the CAO HBO, the Joint Consultative Council has the right to give compelling advice to the trade unions.
3. The Joint Consultative Council has the right to advise with regard to the adoption of regulations relating to the bearing of the risks identified in Article 40, preamble and paragraph 1 part a, or Article 40, preamble and paragraph 1 part b of the Social Insurance Financing Act, by the policy holders.

Article 21 - The right to advise of the student section of the Joint Consultative Council

The Executive Board shall seek the advice of the student section of the Joint Consultative Council on any proposed decision relating to:

1. The general personnel and appointments policy, unless it concerns a matter that is already prescribed by law or a collective labour agreement (Article 10.20a, paragraph 2, under a of the WHW).

2. The regulations concerning the reimbursement of statutory tuition fees in the event of a termination of registration or death as meant in Article 7.48, paragraph 4 of the WHW.
3. The regulations adopted by the Executive Board for the selection criteria and selection procedure relating to:
 - a. a study programme as meant in Article 6.7a, paragraph 1 under b of the WHW, for which the Minister has granted permission, at the request of the Executive Board, to apply specific selection criteria and to charge higher tuition fees;
 - b. study programmes designated by ministerial regulation, as meant in Article 7.26 of the WHW, for which requirements have been set in addition to those relating to prior education;
 - c. the study programmes referred to in Article 7.53 of the WHW that are subject to enrolment restrictions for first-time enrolments due to limited teaching capacity;
 - d. the quality-related admission requirements for an initial Master's degree programme, as meant in Article 7.30b, paragraph 2 of the WHW;
4. The regulations adopted by the Executive Board for the criteria and procedure for exemption from paying higher tuition fees, referred to in Article 6.7a, paragraph 1 under c of the WHW.
5. The rules adopted by the Executive Board in relation to the selection, referred to in Article 7.9b, paragraph 1 of the WHW.
6. The rules adopted by the Executive Board in relation to study choice recommendations and study choice activities, referred to in Article 7.31b, paragraph 4 of the WHW.

Section 4: Disputes procedure

Article 22 - The disputes committee

Avans is affiliated to the disputes committee for participation in higher education, which is part of Stichting Onderwijsgeschillen (Foundation for Educational Disputes), in Utrecht.

Article 23 - The procedure in the event of a dispute

1. The disputes committee, referred to in Article 22 of these Participation Regulations, shall take cognisance of any dispute between the Joint Consultative Council and the Executive Board concerning:
 - a. the creation of, amendments to or application of the Participation Regulations, and
 - b. disputes resulting from Articles 9.30a, 9.32 to 9.36, 9.38 and 9.38a of the WHW. These disputes relate primarily to the right of approval and right to advise of the Joint Consultative Council, but also to the other powers held by the Joint Consultative Council on the basis of the Participation Regulations and the WHW.
2. If a proposed decision requires the approval of the Joint Consultative Council and this approval is not obtained on the second occasion (see Article 17, paragraph 5 of these Participation Regulations), a dispute is deemed to exist.
3. Before any such dispute is presented to the disputes committee, the Avans Supervisory Board will first attempt to reach an amicable settlement between the Joint Consultative Council and the Supervisory Board. If no amicable settlement appears possible, the dispute will be put to the national disputes committee.

4. If a proposed decision requires a positive recommendation from the Joint Consultative Council and this positive recommendation is not obtained on the second occasion (see Article 17, paragraph 5 of these Participation Regulations), a dispute is deemed to exist.
5. Before any such dispute is presented to the disputes committee, the Avans Supervisory Board will first attempt to reach an amicable settlement between the Joint Consultative Council and the Supervisory Board. If no amicable settlement appears possible, the dispute will be put to the national disputes committee.
6. If the dispute concerns a recommendation or advice, the Joint Consultative Council will present it to the national disputes committee. If the dispute concerns the granting of approval, the Executive Board will present it to the national disputes committee. In the latter case, the Executive Board will ask the national disputes committee for permission to rule on the proposed decision by the Executive Board.
7. If the Executive Board and the Joint Consultative Council disagree on the interpretation of the provisions of the WHW or of these regulations, the Executive Board or the Joint Consultative Council may put this before the national disputes committee that, after attempting to reach an amicable settlement, will issue a binding ruling.
8. The national disputes committee will first try to reach an amicable settlement. Failing this, it will issue a binding ruling.
9. The proposed decision by the Executive Board may not be implemented until the disputes committee has issued a ruling on the dispute concerning the obtaining of approval.
10. In the case of a dispute concerning advice (see paragraph 4 above), the implementation of the proposed decision will be suspended for four weeks, unless the Joint Consultative Council has no reservations about it being implemented immediately.
11. Appeals against rulings by the national disputes committee may be brought before the Enterprise Chamber of the Amsterdam Court of Appeal. The appeal must be filed within one month of the issuing of the ruling by the national disputes committee. An appeal may only be filed on the basis that the national disputes committee has incorrectly applied the WHW.
12. Rulings by the Enterprise Chamber of the Amsterdam Court of Appeal may not be appealed to the Supreme Court. By way of derogation from Article 237 of the Code of Civil Procedure (*Wetboek van Burgerlijke Rechtsvordering*), the consultative body cannot be ordered to pay the costs of the proceedings.
13. If the Executive Board fails to act in accordance with a decision for which the Joint Consultative Council has given its approval or has advised in favour, the Joint Consultative Council may bring the matter before the national disputes committee immediately. In such cases, the Supervisory Board will not attempt mediation beforehand.

Section 5: Elections

Article 24 - Eligibility to stand and to vote

1. Any person who has been employed at Avans in a position equivalent to at least 0.4 FTE for at least one year on the day of nomination is eligible to stand for election to the employee section of the Joint Consultative Council, unless they are a member of the Executive Board or hold the position of dean, vice dean, secretary to the Executive Board or group controller.
2. Any person employed by Avans on the basis of an employment contract and who is not a member of the Executive Board, is entitled to vote.

3. Any person who is enrolled on the day of nomination as a student on an Avans study programme (in accordance with Article 7.32 et seq. of the WHW) is eligible to stand for election to the student section of the Joint Consultative Council. This also includes students on the Bachelor of Laws study programme at the University of Law Avans-Fontys, for which they are enrolled at the CROHO-registered Avans 'HBO-Rechten' study programme.
4. Any person who is enrolled on the day of nomination as a student on an Avans study programme (in accordance with Article 7.32 et seq. of the WHW) is eligible to vote. This also includes students on the Bachelor of Laws study programme at the University of Law Avans-Fontys, for which they are enrolled at the CROHO-registered Avans 'HBO-Rechten' study programme.
5. Student members of the Joint Consultative Council are elected directly by students.
6. Employee members of the Joint Consultative Council are elected directly by employees.

Article 25 - Organisation of the elections

1. The council itself is responsible for organising the election of members to the Joint Consultative Council. To this end, the council appoints an election committee from its number.
2. The election committee consists of at least three members, one of whom must be from the Centre for Student and Staff Participation. This member is responsible for coordinating matters.
3. The election committee is in charge of the elections of the members to the Joint Consultative Council, taking due account of the provisions of these regulations and the election protocol.
4. The election committee confirms and announces the results of the elections.
5. No later than three weeks after the election, the election committee produces a report on its activities, which it sends to the Joint Consultative Council and the Executive Board.
6. The election committee is then disbanded by the Joint Consultative Council.

Article 26 - Date of elections

The Joint Consultative Council determines the date on which the elections are to be held, as well as the time when voting commences and finishes, the place where the elections are to be held and the way in which voting takes place. However, the elections must not take place more than six weeks before or more than two weeks after the expiry of the period of office. The Joint Consultative Council announces the elections to the Executive Board and all those entitled to vote.

Article 27 - Nominations

1. Nominations are made by submitting a nomination form to the election committee no later than four weeks before the election. The election committee shall provide a dated confirmation of receipt.
2. The list of candidates will feature written declarations, signed by the candidates, stating that they accept their nomination.
3. Nomination forms for the Joint Consultative Council must contain the signatures of at least 30 entitled voters, declaring that they support the nomination.

Article 28 - Investigation into candidates' eligibility

1. The election committee will check whether the candidates meet the requirements of the law and of these regulations.

2. The election committee shall declare invalid any nomination that does not meet the requirements referred to in the previous paragraph and shall inform the candidate, the Executive Board and the Joint Consultative Council in writing immediately.
3. No later than three weeks before the elections, the election committee will compile a list of candidates in the manner prescribed in the relevant regulations, stating the position of the employees and organisational units where they work or, in the case of students, the school at which they are studying.
4. If the number of candidates does not exceed the number of vacant seats, the candidates are elected to the Joint Consultative Council automatically. In this case, no election takes place. This applies equally to the employee and student sections. Therefore, it is possible that an election may be held for the employee section but none for the student section, or vice versa.
5. The list must be distributed electronically by the election committee to all eligible voters at least three weeks before the election date . A copy of the list is sent to the Executive Board.

Article 29 - Voting procedure

1. A link to the electronic voting program is sent to all eligible voters on the date of the election by or on behalf of the election committee, containing the names of the candidates and the organisational units to which they belong.
2. Each eligible voter is entitled to cast one vote for one candidate from their own section.
3. Voting by proxy is not permitted.

Article 30 - Valid and invalid votes

1. Once voting has closed, the election committee shall determine the number of valid votes that each candidate has received.
2. An electronic ballot is deemed to be invalid if:
 - a. it was not issued by or on behalf of the election committee;
 - b. the choice of the voter is not clear;
3. The used ballots will be retained by the election committee for at least three months.

Article 31 - Election results

1. The candidate who receives the greatest number of votes is elected.
2. If two or more candidates for the last vacant seat receive the same number of votes, the winning candidate will be decided by the drawing of lots. The drawing of lots is carried out by the election committee.
3. The election results are confirmed and published in writing by the Joint Consultative Council to all candidates, the Executive Board, the Supervisory Board and the boards of the business units, and through the general channels to Avans staff and students.
4. If there is an insufficient number of candidates, the seat or seats in question will remain vacant unless the Joint Consultative Council decides to hold new elections to fill them.
5. Once the elected candidates have been awarded their seats on the Joint Consultative Council, any remaining candidates will be placed on a reserve list. The order on the reserve list is based on the number of votes cast for each candidate.

Article 32 - Objections

1. Objections against decisions by the Joint Consultative Council relating to:
 - a. the setting of the date on which an election is to be held and the times at which voting is to commence and finish;
 - b. the compilation of the list of eligible candidates and voters;
 - c. the validity of a nomination;
 - d. the confirmation of the results of an election;may be made in writing by any involved party, no later than two weeks after the announcement of the decision in question, to the Joint Consultative Council.
2. The Joint Consultative Council shall rule on the objection immediately and in writing, specifying its reasons, and shall take any measures as necessary. The Joint Consultative Council's ruling is binding. Reference is made here to the election protocol.

Article 33 - Interim vacancies

1. In the case of an interim vacancy on the Joint Consultative Council, the Council designates the reserve candidate who received the most votes at the last election, according to the results published, to succeed the vacating member.
2. The designation of the successor shall occur within four weeks of the vacancy occurring.
3. If the first reserve candidate declines to take the seat, the next candidate who received the most votes at the last election, according to the results published, becomes eligible to succeed the vacating member. Any reserve candidate who declines to take a seat retains their right to fill a seat that becomes vacant in the future.
4. If no successor is appointed as meant in paragraph 1, a by-election is held to fill the vacant seat, unless the period of office of the council expires within three months.
5. Any person who, in accordance with the provisions of the foregoing paragraphs of this article, fills the vacant seat shall vacate that seat at the same time as the vacating member was originally scheduled to do so.

Section 6: Final provisions

Article 34 - Unforeseen circumstances

In cases not covered by these regulations but relating to the matters governed by these regulations, the Executive Board shall submit a proposal to the Joint Consultative Council for its advice on the issue. The Executive Board shall take a decision on the advice given.

Article 35 - Adoption of and amendments to the regulations

1. The Executive Board shall submit the Participation Regulations (that is, these Joint Consultative Council regulations, the regulations for the school consultative councils and department councils, and the regulations for the study programme committees), including any amendments thereto, as a proposed decision for approval to the Joint Consultative Council.
2. The Joint Consultative Council may request the Executive Board to make proposals for amendments to these Participation Regulations.
3. The decision to adopt or amend the participation regulations requires the approval of two-thirds of the seated members of the Joint Consultative Council.

4. Notwithstanding the provisions in the first paragraph, the Executive Board shall discuss the content of these Participation Regulations, and their application, with the Joint Consultative Council every five years. The participation system may not be amended within five (5) years of the decision being adopted.

Article 36 - Official title

These regulations may be cited as the 'Joint Consultative Council regulations'.

Article 37 - Entry into force

1. The Joint Consultative Council regulations enter into force on the day after their adoption by the Executive Board, following approval by the Joint Consultative Council.
2. The previous Participation Regulations shall lapse on the same day.

Chapter 2: Regulations for school consultative councils and department councils

Section 7: General provisions

Article 38 - Composition of the school consultative councils and department councils

1. The definitions in Article 1 continue to apply in full.
2. References in these regulations to AR mean school consultative council(s) and references to DR mean department council(s).
3. Each school has an AR and each service department has a DR.
4. The size of each AR depends on the number of students at the school in question. Where there are fewer than 2,500 students, the AR consists of no more than ten members. Where there are more than 2,500 students, the AR consists of no more than twelve members. The minimum number of members of an AR is four.
5. Students and employees have equal representation on each AR, in accordance with a system of joint participation.
6. Each DR consists of at least four and no more than six members who are elected directly from and by the employees in the relevant service department.
7. The members of the AR and DR are appointed on the basis of the results of the elections.
8. In the case of an interim or permanent vacancy on an AR or DR, the provisions of Article 68 of these regulations will apply.
9. Schools and service departments make every effort to ensure their AR and DR are as broadly representative as possible of the populations of their particular school or service department. Examples include students and employees from the study programmes in a school, teams in a service department or teaching support staff.

Article 39 - Period of office

1. The employee members of the AR and DR are elected for a period of office of four years, and the student members of the AR, for two years. For the sake of continuity, the student section is subject to an overlapping arrangement. This overlapping arrangement is used for a continuous period of four years. The student section and the employee section hold elections at the same time, every four years. The specific details of the overlapping arrangement for the student section are set out in a separate document.
2. The holders of functions on the AR/DR do not automatically retain their functions after their re-election as members. Following council elections, the AR/DR therefore have to nominate a new Executive Committee, in accordance with article 46 of these regulations.
3. The period of office for all members of a AR or DR starts with the inauguration of the AR or DR after an election.
4. In the event of an interim vacancy being filled in accordance with Article 68, the period of office shall be in accordance with said article.
5. There is no limit to the number of times a member of an AR or DR can be elected, providing all eligibility requirements (see Section 11 of these Participation Regulations) are met.

Article 40 - Termination of membership of an AR or DR

Membership of an AR or DR ends:

1. When the period stated in Article 39 of these regulations has elapsed.
2. In the event of termination of the member's employment contract.
3. In the event of a student no longer being enrolled on an Avans study programme.
4. By means of a written resignation by an AR/DR member, addressed to the chair of the AR/DR.
5. Appointment to a position at Avans that, on the grounds of the WHW and/or these regulations, is incompatible with membership of an AR/DR.
6. In the event of the member of an AR/DR being placed under guardianship as a private individual, in the event of the assets of the member of an AR/DR being placed in administration, or in the event of the statutory debt restructuring scheme for natural persons being applied to the member of an AR/DR.
7. Exclusion as a member of an AR/DR in accordance with Article 41, below.
8. Death of the relevant member of an AR/DR.

Article 41 - Exclusion/penalty

1. An AR/DR may exclude a member at its own initiative in accordance with the following provisions:
 - a. If a member of an AR/DR does not meet the obligations of membership of their AR/DR, he/she may be expelled from it.
 - b. This type of exclusion can only be effected with a two-thirds majority of the number of valid votes cast in a meeting where a minimum of 50% of AR/DR members are present.
 - c. The vote on expulsion shall take place only after the member involved has been given the opportunity to present their case.
2. If a student member does not carry out their AR duties, or does not do so to a sufficient degree, by being repeatedly absent without good reason, for example, their payment (see Article 44) may be stopped, in part or in full.

Article 42 - Replacement

1. In the case of the long-term absence of a member, an AR/DR may decide to replace such a member during their absence, until but not beyond the end of the period of office of the absent member.
2. During this replacement period, the member who has been replaced may not exercise the powers of their membership of the AR/DR.
3. The interim member should preferably be selected from the most recent list of candidates of the relevant section, with the candidate receiving the most votes being considered as the first choice as the replacement member.
4. In the case of the long-term absence of a member of the Executive Committee, an AR/DR may decide, of its own volition or at the request of the Executive Committee, to replace the member during their absence, until but not beyond the end of the period of office of the absent member. The election of a replacement member of an Executive Committee takes place in accordance with Article 46, paragraph 1 of these Participation Regulations.

Article 43 - Confidentiality

1. The members of an AR/DR have a duty of confidentiality on all matters of which they become aware in their capacity and on which the school/service department board has imposed confidentiality or the confidential nature of which should be understood.
2. The person who imposes confidentiality will state which written or verbal information is subject to confidentiality and for how long, as well as whether there are persons to whom this duty of confidentiality does not apply.
3. The duty of confidentiality does not expire upon termination of AR/DR membership or upon termination of the person's relationship with Avans.

Article 44 - Amenities/facilities

1. The board allows the AR/DR access to the facilities that it can use and that the AR/DR requires for the proper execution of its tasks. This includes in any event official, financial and legal support, and training. For the purposes of executing its mandate, the use of a meeting room and archiving space is included in these resources and facilities. This room should be equipped with facilities regarded as normal for the execution of the relevant tasks.
2. In consultation with the board of the school/service department, each AR/DR is allocated a budget for the reimbursement of costs related to its activities, including a training budget and a budget for the hiring of internal or external experts.
3. Time will be allocated to employees on each AR/DR, and to students on an AR, which is converted into financial reimbursement. For the chair and secretary, six hours per week from their working hours (regardless of the scope of their employment contract) shall be made available for their AR/DR activities. For the regular members, four hours per week of their employment (regardless of the scope of their employment contract) shall be made available for their AR/DR activities.
4. Student members of an AR are reimbursed for their expenses, the amount they receive being €11.99 net per hour, for 16 hours a month. Payments are made during ten months of the financial year, excluding the summer holiday months of July and August. Student members must submit an expense claim form electronically to their school every month, stating the hours worked and any other expenses incurred.
5. If a student member's duties on an AR result in a delay in their study progress, they may submit a request for financial support pursuant to the Student Financial Support Regulations (SFSR).
6. Student members enter into an agreement upon election to an AR. The schools are responsible for these agreements.
7. Student members of an AR who are not entitled to a public transport product are eligible for reimbursement of their travel expenses if they travel for activities related to their AR. Student members of an AR who are entitled to a public transport product are only eligible for reimbursement of their travel expenses if travel by public transport they undertake for activities related to their AR takes longer than one hour (one way). Avans calculates such journeys from door to door, in accordance with the regulations on working from home and travel expense reimbursement. Student members receive the regular rate applied by Avans for external employees. Student members should claim the distances they have travelled (in kilometres) at the same time they claim their hours.
8. Employee members of an AR/DR are covered by the usual Avans employee reimbursement claim regulations, in relation to their travel expenses.
9. For any other expenses incurred by AR/DR members for the benefit of their AR/DR, reimbursement will be considered on a case-by-case basis. It is advisable to discuss

reimbursement of such expenses before the expenses are actually incurred in order to avoid disagreement at a later stage.

10. The members of an AR/DR are entitled to schedule their activities and studies as desired in order to fulfil their AR/DR duties.

Article 45 - Legal protection

The school/service department boards shall ensure that members of an AR/DR are not at an advantage or a disadvantage by virtue of their membership. This also applies in respect of prospective and former members. The boards shall also ensure that the employee members of an AR/DR are permitted by their supervisors to carry out their AR/DR duties.

Section 8: Procedures and general duties and powers of the AR and DR

Article 46 - AR/DR executive committees

1. Each AR/DR votes for a chair and a secretary from their number, who together form the executive committee. A simple majority of 50% plus 1 of all members of the AR/DR is required for this vote. Each AR/DR shall always elect a new executive committee at the start of a new period of office, following a general election.
2. The chair is responsible for representing their AR/DR in both legal and non-legal matters.
3. The executive board of an AR/DR may, in consultation with the board, draw up a schedule and agree on what decisions should be referred to the AR/DR for their approval or advice.

Article 47 - Consultation and reporting

1. The language used in the meetings of each AR/DR and in their documents is Dutch, unless agreed otherwise.
2. Together with the board, each AR/DR shall determine the frequency of meetings where the AR/DR will meet on its own and those where it will meet periodically with the board.
3. The meetings of each AR/DR are generally held in public, unless agreed otherwise with the board in advance.
4. Each AR/DR shall ensure that the meeting details, agendas and reports are published for the school/service department.
5. Minutes are made of every AR/DR meeting.

Article 48 - General duties of each AR and DR

1. To the best of their abilities, each AR/DR will promote openness, transparency, quality and mutual consultations in their schools/service departments.
2. Each AR/DR is committed to pursuing the objectives and mission of its own school/service department.
3. The members of each AR/DR perform their duties without being bound by any instructions or a mandate. In performing their duties, they shall focus on the interests, objectives and further development of their own school/service department.

Article 49 - General powers of each AR/DR: the right of initiative and the right to information

1. The board of the school/service department shall give their AR/DR the opportunity to discuss general affairs in their respective school/service department at least twice a year, which meetings may be held in addition to or at the same time as the meetings with the board referred to in Article 47. The parties may also be convened if any of the parties makes a reasoned request to that effect.
2. Each AR/DR is authorised to discuss all matters of importance to their respective school/service department. Each AR/DR is authorised to make proposals on these matters and make its positions known to their respective board. This is the right of initiative. The board should give its reasoned written response to the AR/DR within three months, in the form of a proposal.
3. The board of the school/service department shall promptly provide its AR/DR, whether solicited or not, all the information it may reasonably and fairly need to carry out its duties.
4. Promptly, as referred to in paragraph 3, shall be defined as at least ten working days before the start of the meeting cycle referred to in Article 47 of these regulations. The information should be provided to the AR/DR in writing as much as possible, through the secretary to the AR/DR.
5. In urgent cases, the period referred to in paragraph 4 may be disregarded.

Section 9: Special powers of the AR and DR

Article 50 - Criteria for the right to advise and the right of approval

The right to advise and right of approval are subject to the following criteria:

1. the board considers the relevant interests carefully;
2. the provision of information is appropriate and timely (see Article 49 of these regulations);
3. there is a balanced assurance of interests of students and employees, in the schools and service departments respectively.

Article 51 - Deadlines and decision-making

1. The AR/DR give management an indication of whether or not they will give their consent to a proposed decision. This takes place within six weeks of receipt by the official secretary to the AR/DC of the proposed decision.
2. If the board requests the advice of its AR/DR on the proposed decision on the basis of these regulations, the AR/DR shall issue its advice no later than six weeks after the secretary of the AR/DR has received the proposed decision.
3. The deadlines referred to in this article may be disregarded if both parties so agree in writing. Holiday periods do not form part of the six-week period. In urgent cases, the deadline referred to in paragraphs 1 and 2 may be disregarded.
4. Each member of an AR/DR has a vote of equal weighting. When voting on decisions, a simple majority of votes, 50% plus 1, of the total number of AR/DR members, is required, unless otherwise provided for in these regulations.

If a decision cannot be reached with 50% plus 1 of the total members of the AR/DR present, the AR/DR must approach all absent AR/DR members and hold a vote, for which a meeting does not need to be held. In such cases, the absent AR/DR members must vote by e-mail no later than two

working days after the meeting. This deadline of two working days also applies to internal AR/DR decisions taken outside its meetings.

5. If an AR/DR withholds its approval, or advises against a proposal, the proposed decision – amended or not – will be submitted to the AR/DR for a second time. In that case, the AR/DR shall inform the board in writing of whether it has issued its approval or advises in favour of the proposal in the second instance, within six weeks of the secretary of the AR/DR having received the amended proposed decision. In the absence of any such approval or advice in the second instance also, the provisions in the disputes procedure in Section 10 of these regulations will apply.

Article 52 - Right of approval of the whole AR and DR

The board of the school/service department requires the prior approval of its AR/DR for each decision taken by the board with regard to the following matters:

- a. the adoption of or amendments to the internal organisation of the school or service department, including the adoption of a restructuring plan;
- b. the adoption of or amendments to a business plan of the school or service department;
- c. the adoption of or amendments to the policy principles of the school or service department budget;
- d. regulations relating to occupational health, safety or well-being, to the extent that they do not come under the remit of the Joint Consultative Council;
- e. the setting of or amendments to the facilities and funds at the disposal of the AR/DR;
- f. the adoption of or amendments to the education and examination regulations of the school, as referred to in Article 7.13 of the WHW, and more specifically:
 - the number and sequence of the examinations, as well as when they can be taken (Article 7.13, paragraph 2 under h of the WHW);
 - the full-time, part-time or dual arrangement of the programme (Article 7.13, paragraph 2 under i of the WHW);
 - the sequence, time periods and number of times that students will be offered to take examinations (Article 7.13, paragraph 2 under j of the WHW);
 - the period of validity for successfully completed examinations (Article 7.13, paragraph 2 under k of the WHW);
 - whether examinations are written, oral or otherwise (Article 7.13, paragraph 2 under l of the WHW);
 - the way in which students with impairments or chronic illnesses are given a reasonable opportunity to take examinations (Article 7.13, paragraph 2 under m of the WHW);
 - the transparency of oral examinations (Article 7.13, paragraph 2 under n of the WHW);
 - the period within which the results of an examination are published (Article 7.13, paragraph 2 under o of the WHW);
 - the way in which, and the period during which, an individual who has taken a written examination will be able to inspect their work after it has been assessed (Article 7.13, paragraph 2 under p of the WHW);
 - viewing the assessment of examination questions and assignments (Article 7.13, paragraph 2 under q of the WHW);

- the grounds on which the examination board may grant an exemption from one or more examinations (Article 7.13, paragraph 2 under r of the WHW);
 - where needed, requiring the successful completion of certain examinations as a condition for being able to take other examinations (Article 7.13, paragraph 2 under s of the WHW);
 - where necessary, the obligation to take part in practical exercises with a view to be able to take the examination in question (Article 7.13, paragraph 2 under t of the WHW);
 - monitoring academic progress and individual academic counselling (Article 7.13, paragraph 2 under u of the WHW);
 - the actual structure of teaching (Article 7.13, paragraph 2 under x of the WHW).
- g. the adoption of or amendments to quality assurance policy plans, to the extent that they do not come under the remit of the Joint Consultative Council.

Article 53 - The right of approval of the employee section of an AR and the whole of a DR

The board requires the prior approval of the employee section of an AR or a DR for each decision taken by the dean with regard to the following matters:

- a. adopting the personnel plan and the implementation of personnel policies;
- b. the adoption of or amendments to the implementation of the regulations on holidays, leave and employee working hours, to the extent that they do not come under the remit of the Joint Consultative Council;
- c. the adoption of or amendments to the implementation of the regulations on training for employees.

Article 54 - The right of approval of the student section of an AR

The board of the school requires the prior approval of the student section of its AR for each decision taken by the board with regard to the following matters:

- a. the details and implementation of the student policy, including student amenities, to the extent that they do not come under the remit of the Joint Consultative Council;
- b. the adoption of or amendments to policy on specific student contributions, to the extent that they do not come under the remit of the Joint Consultative Council;
- c. the adoption of or amendments to regulations whereby measures may be taken against students, all subject to the parameters set by the Executive Board, and to the extent that they do not come under the remit of the Joint Consultative Council.

Article 55 - The right of an AR/DR to advise

The board requires the advice of its AR or DR for important matters that concern the continued existence and the general sound running of the school or service department, including the profile of the dean. Each AR/DR also has the right to have a delegation on the selection committee when a new dean or vice dean is being appointed.

Section 10: Disputes procedure

Article 56 - The disputes committee

Avans is affiliated to the disputes committee for participation in higher education, which is part of Stichting Onderwijsgeschillen (Foundation for Educational Disputes), in Utrecht.

Article 57 - Internal procedure for disputes

1. If the board does not receive the required approval for a proposed decision or it is advised against a proposed decision, even in the second instance (see Article 51, paragraph 5 of these regulations), then an internal dispute is said to exist. In the case of a dispute concerning the right to advise, the implementation of the proposed decision will be suspended for four weeks, unless the AR/DR has not raised any concerns about the immediate implementation of the decision. In the event of a dispute concerning approval, the implementation of the proposed decision will be suspended until the external national disputes committee (see Article 58 of these Participation Regulations) has issued a ruling.
2. An internal dispute is to be submitted to the Executive Board and the Joint Consultative Council. The Executive Board and the Joint Consultative Council shall endeavour in the first instance to resolve the internal dispute by means of mediation between the Board and the AR/DR.
3. If the mediation effort referred to in paragraph 2 of this article is unsuccessful, the Executive Board and the Joint Consultative Council shall jointly determine that the internal dispute will be submitted to an internal disputes committee, which must be formed exclusively for dealing with the dispute at hand.
4. An internal disputes committee consists of three members, with one member being appointed by the Executive Board and one member being appointed by the Joint Consultative Council. These members shall jointly appoint a third member as chair. Members of the Executive Board, the board involved and members of the relevant AR/DR may not form part of the internal disputes committee.
5. Within one week of the mediation effort referred to in paragraph 2 being deemed unsuccessful, the Executive Board and the Joint Consultative Council must submit the dispute to the internal disputes committee, each having appointed one member. The two appointed members must then appoint a third member as the chair within one week.
6. The internal disputes committee may be assisted by experts, if required.
7. The internal disputes committee must issue its ruling to the Executive Board and the Joint Consultative Council within four weeks of the dispute having been submitted.
8. The Executive Board and the Joint Consultative Council may jointly agree on a different deadline.
9. The internal disputes committee issues a compelling ruling.
10. The internal disputes committee is dissolved once it has issued its ruling on the dispute.

Article 58 - External procedure for disputes

1. The disputes committee referred to in Article 56 of these Participation Regulations shall take cognisance of the dispute between the school/service department board and its AR/DR once the internal disputes committee has issued a compelling ruling, in accordance with Article 57 of these Participation Regulations. The board or AR/DR concerned must bring the dispute before the national external disputes committee within one week of receiving the compelling ruling from the internal disputes committee.

2. As the ruling issued by the internal disputes committee is a compelling one, any objection to the ruling must be substantiated in detail, explaining the justification for bringing the dispute before the national external disputes committee.
3. The national disputes committee will first try to reach an amicable settlement. Failing this, it will issue a binding ruling.
4. The proposed decision may not be implemented by the board of the school or service department until the national external disputes committee has issued a ruling on the dispute in question.
5. In the case of a dispute concerning advice, the implementation of the proposed decision will be suspended for four weeks, unless the AR/DR has not raised any concerns about the immediate implementation of the decision. This four-week period commences on the date on which the AR/DR received the proposed decision.
6. Appeals against rulings by the national disputes committee may be brought before the Enterprise Chamber of the Amsterdam Court of Appeal. The appeal must be filed within one month of the issuing of the ruling by the national disputes committee. An appeal may only be filed on the basis that the national disputes committee has incorrectly applied the WHW.
7. Rulings by the Enterprise Chamber of the Amsterdam Court of Appeal may not be appealed to the Supreme Court. By way of derogation from Article 237 of the Code of Civil Procedure (*Wetboek van Burgerlijke Rechtsvordering*), the consultative body cannot be ordered to pay the costs of the proceedings.
8. If the board fails to act in accordance with the decision on which its AR/DR has given its approval or advice in favour, the AR/DR may bring the matter before the national disputes committee immediately. In this case, the Executive Board and the Joint Consultative Council are not required to attempt mediation beforehand.

Section 11: Elections

Article 59 - Eligibility to stand and to vote

1. Any person who has been employed at Avans in a position equivalent to at least 0.4 FTE for at least three months on the day of nomination is eligible to stand for election to the employee section of an AR/DR, unless they are a member of the Executive Board or hold the position of dean, vice dean, secretary to the Executive Board or group controller.
2. Any member of staff employed within the relevant school or service department for which the elections to an AR/DR are held is eligible to vote, unless they are a member of the board of the school/service department.
3. Any student who is enrolled on the day of nomination as a student on an Avans study programme in the school (in accordance with Article 7.32 et seq. of the WHW) for which the election to the AR is being held is eligible to stand for election.
4. Any student who is enrolled on the day of nomination as a student on an Avans study programme (in accordance with Article 7.32 et seq. of the WHW) whose study programme falls under the school for which the election to the AR is being held is eligible to vote.
5. Student members of an AR are elected directly by students of the relevant school.
6. Employee members of an AR/DR are elected directly by other staff of the relevant school or service department.

Article 60 - Organisation of the elections

1. The councils themselves are responsible for organising the elections of members to the AR/DR. The Centre for Student and Staff Participation is in charge of the general elections for every AR and DR at Avans, though the centre does involve each AR/DR in the process. References to 'AR/DR' in Section 11, in relation to general elections, equate to the Centre for Student and Staff Participation.
2. Each AR/DR is charged with organising the election of members of the AR/DR in compliance with the provisions of these regulations for AR/DR, as well as the election protocol that applies throughout Avans.
3. Each AR/DR confirms and announces the results of the elections. As far as the general elections to each AR/DR are concerned, the Centre for Student and Staff Participation confirms and announces the results.

Article 61 - Date of elections

Each AR/DR determines the date on which the elections are to be held, as well as the time when voting commences and finishes, the place where the elections are to be held and the way in which voting takes place. With regard to the general elections for each Avans AR/DR, the Centre for Student and Staff Participation sets the date and the times between which voting takes place, as well as where the elections are held and the way in which voting takes place. However, the elections must not take place more than six weeks before or more than two weeks after the expiry of the period of office. The AR/DR or Centre for Student and Staff Participation informs the school or service department board and every voter at the school or in the service department of the date of the election.

Article 62 - Nominations

1. Nominations are made by submitting a nomination form to the sitting AR/DR no later than four weeks before the elections. The AR/DR shall provide a dated confirmation of receipt.
2. The list of candidates will feature written declarations, signed by the candidates, stating that they accept their nomination.
3. Nomination forms for each AR/DR must bear the signatures of at least 15 eligible voters from the relevant service department/school, declaring that they support the nomination.

Article 63 - Investigation into candidates' eligibility

1. Each sitting AR/DR investigates whether the candidates meet the statutory requirements and those of these regulations for AR/DR.
2. The sitting AR/DR shall declare ineligible any candidate who does not meet the requirements referred to in the previous paragraph and shall inform the candidate and the board of the school or service department in writing immediately.
3. No later than three weeks before the elections, the sitting AR/DR will compile a list of candidates in the manner prescribed in the relevant regulations, stating the position of the employees and organisational units where they work or, in the case of students, the school at which they are studying.
4. If the number of candidates does not exceed the number of vacant seats, the candidates are elected to the AR/DR automatically. In this case, no election takes place. This applies equally to

the employee and student sections. Therefore, it is possible that an election may be held for the employee section but none for the student section, or vice versa.

5. The list must be distributed electronically by the sitting AR/DR to all eligible voters within the relevant service department/school, at least three weeks before the election date .

Article 64 - Voting procedure

1. A link to the electronic voting platform must be e-mailed to all eligible voters within the relevant service department/school by or on behalf of the sitting AR/DR.
2. Each eligible voter is entitled to cast one vote for one candidate from their own section.
3. Voting by proxy is not permitted.

Article 65 - Valid and invalid votes

1. Once voting has closed, the sitting AR/DR shall determine the number of valid votes that each candidate has received.
2. An electronic ballot is deemed to be invalid if:
 - a. it was not issued by or on behalf of a sitting AR/DR;
 - b. the choice of the voter is not clear;
 - c. it contains more than one vote;
 - d. it contains deletions.
3. The used ballots will be retained by each AR/DR for at least three months.

Article 66 - Election results

1. The candidate who receives the greatest number of votes is elected.
2. If two or more candidates for the last vacant seat receive the same number of votes, the winning candidate will be decided by the drawing of lots. The drawing of lots is carried out by the sitting AR/DR.
3. The election results are confirmed by the AR/DR and published in writing to all candidates, the board of the school or service department, and by a general announcement to all staff and students at the school or in the service department.
4. If there is an insufficient number of candidates, the seat or seats in question will remain vacant unless the AR/DR decides to hold new elections to fill them.
5. Once the elected candidates have been awarded their seats on an AR/DR, any remaining candidates will be placed on a reserve list. The order on the reserve list is based on the number of votes cast for each candidate.

Article 67 - Objections

1. Objections against decisions by an AR/DR relating to:
 - a. the setting of the date on which an election is to be held and the times at which voting is to commence and finish;
 - b. the compilation of the list of eligible candidates and voters;
 - c. the validity of a nomination;
 - d. the confirmation of the results of an election;may be made in writing by any involved party, no later than two weeks after the announcement of the decision in question, to the AR/DR.

2. The AR/DR shall rule on the objection immediately and in writing, specifying its reasons, and shall take any measures as necessary. The AR/DR's ruling is binding. Reference is made to the regulations contained in the election protocol, which applies across Avans.

Article 68 - Interim vacancies

1. In the case of an interim vacancy on an AR/DR, the AR/DR designates the reserve candidate who received the most votes at the last election, according to the results published, to succeed the vacating member.
2. The designation of the successor shall occur within four weeks of the vacancy occurring.
3. If the first reserve candidate declines to take the seat, the next candidate who received the most votes at the last election, according to the results published, becomes eligible to succeed the vacating member. Any reserve candidate who declines to take a seat retains their right to fill a seat that becomes vacant in the future.
4. If no successor is appointed as meant in paragraph 1, a by-election is held to fill the vacant seat, unless the period of office of the council expires within three months.
5. Any person who, in accordance with the provisions of the foregoing paragraphs of this article, fills the vacant seat shall vacate that seat at the same time as the vacating member was originally scheduled to do so.

Section 12: Final provisions

Article 69 - Unforeseen circumstances

In cases not covered by these regulations but relating to the matters that are governed in these regulations for each AR/DR, the Executive Board shall submit a proposal (at the request of the school or service department board) to the AR/DR to provide advice on the issue. The Executive Board shall take a decision on the advice given.

Article 70 - Adoption of and amendments to the regulations

1. The Executive Board shall submit these Participation Regulations to the AR/DR, including any amendments thereto, as a proposed decision for approval by the Joint Consultative Council.
2. At the request of the AR/DR, the Joint Consultative Council may propose amendments to these regulations for the AR/DR.
3. The decision to adopt or amend these participation regulations for the academy councils and service councils requires the approval of two-thirds of the seated members of the Joint Consultative Council.
4. Notwithstanding the provisions in the first paragraph, the Executive Board shall discuss the content of these regulations for the AR/DR, and their application, with the Joint Consultative Council every five years. The participation system may not be amended within five (5) years of the decision being adopted.

Article 71 - Official title

These regulations are officially referred to as the 'AR/DR Participation Regulations'.

Article 72 - Entry into force

1. These regulations for the AR/DR enter into force on the day after their adoption by the Executive Board, following approval by the Joint Consultative Council.
2. The previous Participation Regulations shall lapse on the same day.

Chapter 3: Regulations for the study programme committees

Section 13: General provisions

Article 73 - Definitions

The definitions in Article 1 continue to apply in full.

Article 74 - Setting up a study programme committee

1. The school board appoints a study programme committee (SPC) for each study programme or group of programmes in a school.
2. If a programme has several different variants (full-time, part-time or dual-track) or different schools have the same programme, an SPC can consist of multiple separate sub-committees.
3. If a school has only one programme, the tasks and duties of the SPC can be performed by the AR in accordance with Article 10.3c, paragraph 6 of the WHW.

Article 75 - Composition

1. Half the members of an SPC are elected from among and by the employees connected to the study programme, with the other half consisting of those elected from among and by students who are enrolled on the programme.
2. The number of members of an SPC is at least six. The school board may decide on a greater number of members.
3. If an SPC has been instituted for a group of programmes, each programme should be represented by at least one employee member and one student member.
4. Lecturers may be members of multiple SPCs, as long as they teach on the relevant programmes.
5. In the event of an interim vacancy on an SPC, the provisions of Article 103 of these regulations will apply.

Article 76 - Period of office

1. The members of an SPC are elected for a two-year term, on the understanding that student members have the option of a one-year term.
2. The period of office for every member of an SPC commences once the SPC is formed after the elections.
3. In the case of an interim vacancy in accordance with Article 103 of these regulations, the period of office will be as stated in Article 103.
4. There is no limit on the number of times a member of an SPC can be elected, provided that all eligibility requirements (see Section 17 of these Participation Regulations) are met.

Article 77 – Termination of SPC membership

Membership of an SPC ends:

1. At the conclusion of the period of office referred to in Article 76 of these regulations.
2. When the member in question no longer forms part of the section of the study programme from which he or she has been elected, as stated in Article 75 of these regulations.

3. By means of a resignation in writing by an SPC member, addressed to the chair of the SPC.
4. Due to being appointed to a position at Avans that, on the grounds of the WHW and/or these regulations, is incompatible with membership of an SPC.
5. In the event of the member of an SPC being placed under guardianship as a private individual, in the event of the assets of the member of an SPC being placed in administration, or in the event of the statutory debt restructuring scheme for natural persons being applied to the member of an SPC.
6. Exclusion as a member of an SPC in accordance with Article 78, below.
7. Death of the member of an SPC.

Article 78 - Exclusion

An SPC may exclude a member at its own initiative in accordance with the following provisions.

1. If a member of an SPC does not meet the obligations of SPC membership, they may be expelled from the SPC.
2. This type of exclusion can only be effected with a two-thirds majority of the number of valid votes cast in a meeting where a minimum of 50% of SPC members are present.
3. The vote on expulsion shall take place only after the member involved has been given the opportunity to present their case.

Article 79 - Replacement

1. In the case of the long-term absence of a member, an SPC may decide to replace the member during their absence, until but not beyond the end of the period of office of the absent member.
2. During this replacement period, the member who has been replaced may not execute the powers of their membership of the SPC.
3. The interim member should preferably be selected from the most recent list of candidates of the relevant section, with the candidate receiving the most votes being considered as the first choice as the replacement member.
4. In the case of the long-term absence of a member of the Executive Committee, an SPC may decide, of its own volition or at the request of the Executive Committee, to replace the member during their absence, until but not beyond the end of the period of office of the absent member. The election of a replacement member of an Executive Committee takes place in accordance with Article 83, paragraph 1 of these Participation Regulations.

Article 80 - Confidentiality

1. Members of an SPC are bound by confidentiality on all matters of which they become aware in their capacity and on which the school board or the SPC has imposed confidentiality or which should be understood to be confidential.
2. The person who imposes confidentiality will state which written or verbal information is subject to confidentiality and for how long, as well as whether there are persons to whom this duty of confidentiality does not apply.
3. The duty of confidentiality does not expire upon termination of SPC membership or upon termination of the person's relationship with Avans.

Article 81 - Facilities/amenities

1. The school board allows each SPC access to the facilities that it can use and that it requires for the proper execution of its tasks. This includes in any event official, financial and legal support, and training. For the purposes of executing its mandate, the use of a meeting room and archiving space is included in these resources and facilities. This room should be equipped with facilities regarded as normal for the execution of the relevant tasks.
2. In consultation with the school board, an SPC is allocated a budget for the reimbursement of costs related to its activities, including a training budget and for the hiring of internal or external experts.
3. Time will be allocated to staff and students on each SPC, which is converted into financial reimbursement. For members of staff, a minimum of two hours per week of their employment (regardless of the scope of their employment) is provided for their contribution to their SPC.
4. Student members of an SPC are reimbursed at a rate of €11.99 net per hour for eight hours a month. Payments are made during ten months of the financial year, excluding the summer holiday months of July and August. Student members should submit an expense claim form electronically to their school every month, stating the hours worked and any other expenses incurred.
5. If a student member's duties on an SPC result in a delay in their study progress, they may submit a request for financial support pursuant to the Student Financial Support Regulations (SFSR).
6. Student members enter into an agreement upon election to an SPC. The schools are responsible for these agreements.
7. Student members of an SPC who are not entitled to a public transport product are eligible for reimbursement of their travel expenses if they travel for activities related to their SPC. Student members of an SPC who are entitled to a public transport product are only eligible for reimbursement of their travel expenses if travel by public transport they undertake for activities related to their SPC takes longer than one hour (one way). Avans calculates such journeys from door to door, in accordance with the regulations on working from home and travel expense reimbursement. Student members receive the regular rate applied by Avans for external employees. Student members should claim the distances they have travelled (in kilometres) at the same time they claim their hours.
8. Employee members of the SPC are covered by the usual Avans employee reimbursement claim regulations, in relation to their travel expenses.
9. For any other expenses incurred by SPC members for the benefit of their SPC, reimbursement will be considered on a case-by-case basis. It is advisable to discuss reimbursement of such expenses before the expenses are actually incurred in order to avoid disagreement at a later stage.
11. SPC members are entitled to schedule their work activities and studies as desired in order to fulfil their SPC duties. SPC meetings are scheduled in a way that ensures student members are able to participate in the meeting without having to miss any part of the curriculum.

Article 82 - Legal protection

The school board shall ensure that SPC members are not at an advantage or a disadvantage by virtue of their membership. This also applies in respect of prospective and former members.

Section 14: Procedure and general duties and responsibilities of an SPC

Article 83 - SPC executive committee

1. Each SPC shall appoint a chair, deputy chair, secretary and deputy secretary from its members upon the committee's formation. These positions may be held by either an employee member or a student member.
2. The chair is responsible for representing their SPC in both legal and non-legal matters.
3. If an official secretary has been appointed, then no other secretary is chosen from the SPC.
4. The chair can draw up a plan and coordinate the agenda in consultation with the school board.

Article 84 - Consultation and reporting

1. Together with the school board, each SPC determines the frequency of the meetings where it meets on its own and those where it will meet periodically with the school board.
2. The meetings of an SPC are generally public, unless the chair believes that the nature of any of the topics to be discussed or the information provided or to be provided by the school board is such that this should not be the case.
3. Each SPC shall ensure that the meeting details, agendas and reports are published for the wider department/school.
4. Minutes are made of each SPC meeting.

Article 85 - General duties of an SPC

1. Each SPC has the task of advising on how to improve and safeguard the quality of the study programme.
2. To the best of its abilities, each SPC will promote openness and mutual consultation within the department/school.
3. Each SPC undertakes to pursue the objectives and mission of the department/school.
4. SPC members perform their duties without being bound by any instructions or mandate. In performing their duties, they shall focus on the interests, objectives and further development of their department/school.

Article 86 - General powers of an SPC

1. Each SPC is entitled to invite the school board at least twice a year to discuss the proposed policy within the study programme based on the agenda drawn up by the SPC. These consultations may take place in addition to or during the meetings with the school board described in Article 84. The parties may also be convened if any of the parties makes a reasoned request to that effect.
2. An SPC is entitled to make recommendations to the AR or school board on any matter relating to teaching in the relevant study programme, either on request or at its own initiative. The SPC sends these recommendations and proposals to the AR, for information purposes. The school board should respond within two months of receiving a proposal, specifying how the recommendation is to be acted upon. If the school board chooses not to follow the recommendation or only in part, the SPC will have the opportunity to conduct further consultation with the school board before a final decision is taken.
3. The matters referred to in paragraph 2 of this article will in any case be related to quality improvements within the study programme. To that end, the SPC shall use the results of quality assurance evaluations, with particular regard to evaluations by students (course evaluations and satisfaction surveys), self-evaluations and final accreditation reports.

4. The school board shall provide the SPC, both solicited and unsolicited, and in good time, all the information that the latter may reasonably and fairly need to fulfil its duties.
5. 'In good time', as referred to in paragraph 4, means at least ten working days before a meeting or ten working days after the school board has received a request. In urgent cases, this period may be disregarded.

Section 15: Special powers of an SPC

Article 87 - Criteria for the right to advise and the right of approval

The right to advise and right of approval are subject to the following criteria:

1. the board considers the relevant interests carefully;
2. sufficient information has been provided at the appropriate time (see Article 86 of these regulations);
3. there is a balanced assurance of interests of students and staff within the department/school.

Article 88 - Deadlines and decision-making

1. The SPC gives the school board an indication of whether or not it will give its consent to a proposed decision. This takes place within six weeks of receipt by the official secretary to the SPC of the proposed decision.
2. If the board requests the advice of an SPC on a proposed decision on the basis of these regulations, the SPC shall issue its advice no later than six weeks after receipt of the proposed decision by the secretary to the SPC.
3. The deadlines referred to in this article may be disregarded if both parties so agree in writing. Holiday periods do not form part of the six-week period. In urgent cases, the deadline referred to in paragraphs 1 and 2 may be disregarded.
4. Every member of an SPC has a vote of equal weighting. When voting on decisions, a simple majority of votes, 50% plus 1, of the total number of SPC members is required, unless otherwise provided for in these regulations. If a decision cannot be made with 50% plus 1 of the total members of the SPC present, the SPC must approach all absent SPC members and hold a vote, which may take place outside of the meeting. In such cases, the absent SPC members must vote by e-mail within two working days of the meeting.
5. If an SPC withholds its consent or advises against a proposal, the proposed decision – whether amended or not – will be submitted to the SPC for a second time. In that case, the SPC shall inform the school board in writing of whether it has issued its approval or advises in favour of the proposal in the second instance, within six weeks of the secretary to the SPC having received the amended proposed decision. In the absence of any such approval or advice in the second instance also, the provisions in the disputes procedure in Section 16 of these regulations will apply.

Article 89 - Right of approval of an SPC

1. The school board requires the prior approval of an SPC for each decision taken by the school board with regard to the adoption of or amendments to the education and examination regulations for any study programme, as meant in Article 7.13 of the WHW, and more specifically in the following provisions:

- the way in which teaching is evaluated in the relevant study programme (Article 7.13, paragraph 2 under a1 of the WHW);
 - the content of the specialisations in a study programme (Article 7.13, paragraph 2 under b of the WHW);
 - the qualities in terms of knowledge, understanding and skills that a student must have acquired by the end of the study programme (Article 7.13, paragraph 2 under c of the WHW);
 - where necessary, the structure of practical exercises (Article 7.13, paragraph 2 under d of the WHW);
 - the study load of the programme and of each of the units of study making up that programme (Article 7.13, paragraph 2 under e of the WHW);
 - the master's degree programmes to which Article 7.4a, paragraph 8 of the WHW applies (Article 7.13, paragraph 2 under g of the WHW);
 - if applicable, how students are selected for a special programme or track within a study programme, as referred to in Article 7.9b of the WHW (Article 7.13, paragraph 2 under v of the WHW).
2. The SPC has a right of approval with regard to the administrative and management regulations if these regulations specify a method of forming the SPC other than by election.

Article 90 - Advisory powers of the SPC

The school board is required to consult the SPC before each decision taken by the school board regarding the adoption of or amendments to the education and examination regulations for any study programme, as meant in Article 7.13 of the WHW, with the exception of matters for which the SPC has a right of approval by virtue of Article 89 of these regulations.

Article 91 - Other powers

Each SPC is responsible for annually assessing how the study programmes put the education and examination regulations into practice.

Section 16: Disputes procedure

Article 91 - The disputes committee

Avans is affiliated to the disputes committee for participation in higher education, which is part of Stichting Onderwijsgeschillen (Foundation for Educational Disputes), in Utrecht.

Article 92 - Internal procedure for disputes

1. If the school board does not receive the required approval for a proposed decision or it is advised against a proposed decision, even in the second instance (see Article 88, paragraph 5 of these regulations), then an internal dispute is said to exist. In the event of a dispute concerning the right to advise, the implementation of the proposed decision will be suspended for four weeks, unless the SPC has not raised any concerns about the immediate implementation of the decision. In the event of a dispute concerning approval, the implementation of the proposed decision will be suspended until the external national disputes committee (see Article 93 of these Participation Regulations) has issued a ruling.
2. An internal dispute is to be submitted to the Executive Board and the Joint Consultative Council. The Executive Board and the Joint Consultative Council shall endeavour to resolve the internal dispute by means of mediation between the board and the SPC in the first instance.
3. If the mediation effort referred to in paragraph 2 of this article is unsuccessful, the Executive Board and the SPC shall determine that the internal dispute will be submitted to an internal disputes committee, which must be formed exclusively for dealing with the dispute at hand.
4. An internal disputes committee consists of three members, with one member being appointed by the Executive Board and one member being appointed by the Joint Consultative Council. These members shall jointly appoint a third member as chair. Members of the Executive Board, the school board involved and members of the SPC involved may not form part of the internal disputes committee.
5. Within one week of the mediation effort referred to in paragraph 2 being deemed unsuccessful, the Executive Board and the Joint Consultative Council must submit the dispute to the internal disputes committee, each having appointed one member. The two appointed members must then appoint a third member as the chair within one week.
6. The internal disputes committee may be assisted by experts, if required.
7. The internal disputes committee must issue its ruling to the Executive Board and the Joint Consultative Council within four weeks of the dispute having been submitted.
8. The Executive Board and the Joint Consultative Council may jointly agree on a different deadline.
9. The internal disputes committee issues a compelling ruling.
10. The internal disputes committee is dissolved once it has issued its ruling on the dispute.

Article 93 - External procedure for disputes

1. The disputes committee, referred to in Article 91 of these Participation Regulations, shall take cognisance of the dispute between the school board and its SPC once the internal disputes committee has issued its ruling pursuant to Article 92 of the these Participation Regulations. The board or SPC concerned must bring the dispute before the national external disputes committee within one week of receiving the compelling ruling from the internal disputes committee.

2. As the ruling issued by the internal disputes committee is a compelling one, any objection to the ruling must be substantiated in detail, explaining the justification for bringing the dispute before the national external disputes committee.
3. The national disputes committee will first try to reach an amicable settlement. Failing this, it will issue a binding ruling.
4. The proposed decision may not be implemented by the school board until the national external disputes committee has issued a ruling on the dispute.
5. In the case of a dispute concerning advice, the implementation of the proposed decision will be suspended for four weeks, unless the SPC has not raised any concerns about immediate implementation of the decision. This four-week period commences on the date on which the SPC received the proposed decision.
6. Appeals against rulings by the national disputes committee may be brought before the Enterprise Chamber of the Amsterdam Court of Appeal. The appeal must be filed within one month of the issuing of the ruling by the national disputes committee. An appeal may only be filed on the basis that the national disputes committee has incorrectly applied the WHW.
7. Rulings by the Enterprise Chamber of the Amsterdam Court of Appeal may not be appealed to the Supreme Court. By way of derogation from Article 237 of the Code of Civil Procedure (*Wetboek van Burgerlijke Rechtsvordering*), the consultative body cannot be ordered to pay the costs of the proceedings.
8. If the school board fails to act in accordance with the decision on which an SPC has given its approval or advice in favour, the SPC may bring the matter before the national disputes committee immediately. In this case, the Executive Board and the Joint Consultative Council are not required to attempt mediation beforehand.

Section 17: Elections

Article 94 - Eligibility to stand and to vote

1. Any member of staff who has been employed at Avans in a position equivalent to at least 0.4 FTE on a study programme for at least one year on the day of nomination is eligible to stand for election to the employee section of an SPC; deans and vice deans are not eligible to stand for election.
2. Any member of staff employed in the relevant department/school for which the elections to an SPC are held is eligible to vote.
3. Any student who is enrolled on the day of nomination as a student on an Avans study programme (in accordance with Article 7.32 et seq. of the WHW) for which the elections to an SPC are being held is eligible to stand for election.
4. Any student who is enrolled on the day of nomination as a student on an Avans study programme (in accordance with Article 7.32 et seq. of the WHW) whose study programme falls under the school for which the election to the AR is being held is eligible to vote.
5. Members of an AR may not in principle also be members of an SPC. In the event of no employees or students standing for election, the employee section of the AR, or student section as the case may be, will take temporary responsibility for the duties of the SPC.
6. Student members of an SPC are elected directly by students of the relevant department/school.
7. Employee members of an SPC are elected directly by other employees in the relevant department/school.

Article 95 - Organisation of the elections

1. The committee itself is responsible for organising the election of members to an SPC. The Centre for Student and Staff Participation organises general elections for the SPCs (that is, every SPC at Avans), engaging the services of each AR and SPC.
2. Each SPC is charged with organising the election of members of the SPC in accordance with the provisions of these study programme committee regulations, as well as the election protocol that applies throughout Avans.
3. Each SPC confirms and publishes the results of the elections.

Article 96 - Date of elections

Each SPC determines the date on which the elections are to be held, as well as the time when voting commences and finishes, the place where the elections are to be held and the way in which voting takes place. With regard to the general elections for every Avans SPC, the Centre for Student and Staff Participation sets the date and the times between which voting takes place, as well as where the elections are held, and the way in which voting takes place. However, the elections must not take place more than six weeks before or more than two weeks after the expiry of the period of office. The SPC or the Centre for Student and Staff Participation shall inform the school board and all eligible voters in the department/school of the election date.

Article 97 - Nominations

1. Nominations are made by submitting a nomination form to the sitting SPC no later than four weeks before the election. Each SPC shall provide a dated confirmation of receipt.

2. The list of candidates will feature written declarations, signed by the candidates, stating that they accept their nomination.
3. Nomination forms for an SPC must bear the signatures of at least 15 eligible voters from the relevant department/school, declaring that they support the nomination.

Article 98 - Investigation into candidates' eligibility

1. The sitting SPC will investigate whether the candidates meet the statutory requirements and the requirements of these study programme committee regulations.
2. The sitting SPC shall declare ineligible any candidate who does not meet the requirements referred to in the previous paragraph and shall inform the candidate and the school board in writing immediately.
3. The sitting SPC shall compile a list of candidates in accordance with the regulations no later than three weeks before the elections.
4. If the number of candidates does not exceed the number of vacant seats, the candidates are elected to the SPC automatically. In this case, no election takes place. This applies equally to the employee and student sections. Therefore, it is possible that an election may be held for the employee section but none for the student section, or vice versa.
5. The list must be distributed electronically by the sitting SPC to all eligible voters in the relevant department/school, at least three weeks before the election date .

Article 99 - Voting procedure

1. A link to the electronic voting platform must be e-mailed to all eligible voters in the relevant department/school by or on behalf of the sitting SPC.
2. Each eligible voter is entitled to cast one vote for one candidate from their own section.
3. Voting by proxy is not permitted.

Article 100 - Valid and invalid votes

1. Once voting has closed, the sitting SPC shall determine the number of valid votes that each candidate has received.
2. An electronic ballot is deemed to be invalid if:
 - a. it was not issued by or on behalf of the sitting SPC;
 - b. the choice of the voter is not clear;
 - c. it contains more than one vote;
 - d. it contains deletions.
3. The used ballots are retained by each SPC for at least three months.

Article 101 - Election results

1. The candidate who receives the greatest number of votes is elected.
2. If two or more candidates for the last vacant seat receive the same number of votes, the winning candidate will be decided by the drawing of lots. The drawing of lots is carried out by the sitting SPC.
3. The election results are confirmed by the SPC and published in writing to every candidate and the school board, and by general announcement to all staff and students in the department/school.

4. If there is an insufficient number of candidates, the seat(s) will remain vacant, unless the SPC opts to organise a new election to fill such seat(s).
5. Once the elected candidates have been awarded their seats on an SPC, any remaining candidates will be placed on a reserve list. The order on the reserve list is based on the number of votes cast for each candidate.

Article 102 - Objections

1. Objections against decisions by an SPC relating to:
 - a. the setting of the date on which an election is to be held and the times at which voting is to commence and finish;
 - b. the compilation of the list of eligible candidates and voters;
 - c. the validity of a nomination;
 - d. the confirmation of the results of an election;may be made in writing to the SPC by any interested party within two weeks of publication of the relevant decision.
2. The SPC shall rule on the objection immediately and in writing, specifying its reasons, and shall take any measures as necessary. The SPC's ruling is binding. Reference is made to the regulations contained in the election protocol, which applies throughout Avans.

Article 103 - Interim vacancies

1. In the case of an interim vacancy on an SPC, the committee designates the reserve candidate who received the most votes at the last election, according to the results published, to succeed the vacating member.
2. The designation of the successor shall occur within four weeks of the vacancy occurring.
3. If the first reserve candidate declines to take the seat, the next candidate who received the most votes at the last election, according to the results published, becomes eligible to succeed the vacating member. Any reserve candidate who declines to take a seat retains their right to fill a seat that becomes vacant in the future.
4. If no successor is appointed as meant in paragraph 1, a by-election is held to fill the vacant seat, unless the period of office of the council expires within three months.
5. Any person who, in accordance with the provisions of the foregoing paragraphs of this article, fills the vacant seat shall vacate that seat at the same time as the vacating member was originally scheduled to do so.

Section 18: Final provisions

Article 104 - Unforeseen circumstances

In cases not covered by these regulations but relating to the matters that are governed in these regulations for the Study Programme Committees, the Executive Board shall submit a proposal (at the request of the school board) to the Joint Consultative Council to provide advice on the issue. The Executive Board shall take a decision on the advice given.

Article 105 - Adoption of and amendments to the regulations

1. The Executive Board shall submit these Participation Regulations to the study programme committees, including any amendments thereto, as a proposed decision for approval by the Joint Consultative Council.
2. At the request of an SPC, the Joint Consultative Council may propose amendments to these Joint Consultative Council regulations to the Executive Board.
3. The decision to adopt or amend these participation regulations for the programme committees requires the approval of two-thirds of the seated members of the Joint Consultative Council.
4. Notwithstanding the provisions in the first paragraph, the Executive Board shall discuss the content of these regulations for the study programme committees, and their application, with the Joint Consultative Council every five years. The participation system may not be amended within five (5) years of the decision being adopted.

Article 106 - Official title

These regulations are officially referred to as the 'Participation Regulations for the Study Programme Committees'.

Article 107 - Entry into force

1. These Regulations enter into force on the day after their adoption by the Executive Board, following approval by the Joint Consultative Council.
2. The previous study programme committee framework regulations expire on the same date.

Chapter 4: Regulations for the Centres of Expertise council

Section 19: General provisions

Article 108 - composition of the Centres of Expertise council

1. The definitions in Article 1 continue to apply in full.
2. Every Centre of Expertise at Avans is represented on the Centres of Expertise council.
3. The Centres of Expertise council consists of four seats. Each Centre of Expertise has one seat on the council. Members of the Centres of Expertise council are elected directly by and from the employees of their respective Centre of Expertise.
4. The members of the Centres of Expertise council are appointed on the basis of the result of the mandates obtained through elections.
5. In the event of an interim vacancy on the Centres of Expertise council, the provisions of Article 136 of these regulations shall apply.
6. Centres of Expertise make every effort to ensure their council is as broadly representative as possible of the populations of their organisational units.

Article 109 - Period of office

1. The members of the Centres of Expertise are elected for a term of four years.
2. The holders of functions on the Centres of Expertise council do not automatically retain their functions after their re-election as members. Following council elections, the Centres of Expertise council therefore has to nominate a new Executive Committee, in accordance with article 116 of these regulations.
3. The period of office for every member of the Centres of Expertise council commences once the Centres of Expertise council has been formed after the elections.
4. In the event of an interim vacancy being filled in accordance with Article 136, the period of office shall be in accordance with said article.
5. There is no limit on the number of times a member of the Centres of Expertise council can be elected, provided that all eligibility requirements (see Section 23 of these Participation Regulations) are met.

Article 110 - Termination of membership

Membership of the Centres of Expertise council ends:

1. At the conclusion of the period of office referred to in Article 109 of these regulations.
2. In the event of termination of the member's employment contract.
3. By means of a resignation in writing by a Centres of Expertise council member, addressed to the chair of the Centres of Expertise council.
4. Due to being appointed to a position at Avans that, on the grounds of the WHW or these regulations, is incompatible with membership of the Centres of Expertise council.
5. In the event of the member of the Centres of Expertise council being placed under guardianship as a private individual, in the event of the assets of the member of the Centres of Expertise council being placed in administration, or in the event of the statutory debt restructuring scheme for natural persons being applied to the member of the Centres of Expertise council.
6. Exclusion as a member of the Centres of Expertise council in accordance with Article 111, below.

7. Death of the member of the Centres of Expertise council.

Article 111 - Exclusion/penalty

1. The Centres of Expertise council may exclude a member at its own initiative in accordance with the following provisions:
 - a. If a member of the Centres of Expertise council does not meet the obligations of membership of the Centres of Expertise council, they may be expelled from it.
 - b. This type of exclusion can only be effected with a two-thirds majority of the number of valid votes cast in a meeting where a minimum of 50% of the Centres of Expertise council members are present.
 - c. The vote on expulsion shall take place only after the member involved has been given the opportunity to present their case.

Article 112 - Replacement

1. In the case of the long-term absence of a member, the Centres of Expertise council may decide to replace the member during their absence, until but not beyond the end of the period of office of the absent member.
2. During this replacement period, the member who has been replaced may not execute the powers of their membership of the Centres of Expertise council.
3. The interim member should preferably be selected from the most recent list of candidates of the relevant Centres of Expertise council, with the candidate receiving the most votes being considered as the first choice as the replacement member.
4. In the case of the long-term absence of a member of the Executive Committee, the Centres of Expertise council may decide, of its own volition or at the request of the Executive Committee, to replace the member during their absence, until but not beyond the end of the period of office of the absent member. The election of a replacement member of an Executive Committee takes place in accordance with Article 116, paragraph 1 of these Participation Regulations.

Article 113 - Confidentiality

1. Members of the Centres of Expertise council are bound by confidentiality on all matters of which they become aware in their capacity and on which Centres of Expertise council boards or the Centres of Expertise council has imposed confidentiality or which should be understood to be confidential.
2. The person who imposes confidentiality will state which written or verbal information is subject to confidentiality and for how long, as well as whether there are persons to whom this duty of confidentiality does not apply.
3. The duty of confidentiality does not expire upon termination of Centres of Expertise council membership or upon termination of the person's relationship with Avans.

Article 114 - Facilities/amenities

1. The boards allow the Centres of Expertise council access to the facilities that it can use and that the Centres of Expertise council requires for the proper execution of its tasks. This includes in any event official, financial and legal support, and training. For the purposes of executing its mandate, the use of a meeting room and archiving space is included in these resources and

facilities. This room should be equipped with facilities regarded as normal for the execution of the relevant tasks.

2. In consultation with the Centres of Expertise boards, the Centres of Expertise council is allocated a budget for the reimbursement of costs related to its activities, including a training budget and a budget for the hiring of internal or external experts.
3. Time will be made available to the members of the Centres of Expertise council. For the chair and secretary, six hours per week from their working hours (regardless of the scope of their employment contract) shall be made available for their participation on Centres of Expertise council. For the regular members, four hours per week of their employment (regardless of the scope of their employment contract) shall be made available for their participation on the Centres of Expertise council.
4. Members of Centres of Expertise council are covered by the usual Avans employee reimbursement claim regulations, in relation to their travel expenses.
5. For any other expenses incurred by Centres of Expertise council members for the benefit of the Centres of Expertise council, reimbursement will be considered on a case-by-case basis. It is advisable to discuss reimbursement of such expenses with the boards before the expenses are actually incurred in order to avoid disappointment at a later stage.
6. Centres of Expertise council members are entitled to schedule their work activities and studies as desired in order to fulfil their Centres of Expertise council duties.

Article 115 - Legal protection

The Centres of Expertise council boards shall ensure that members of the Centres of Expertise council are not at an advantage or a disadvantage by virtue of their membership. This also applies in respect of prospective and former members. The Centres of Expertise council boards shall also ensure that the employee members of the Centres of Expertise council are permitted by their supervisors to carry out their Centres of Expertise council duties.

Section 20: Procedure and general duties and powers of the Centres of Expertise council

Article 116 - Executive Committee

1. The Centres of Expertise council votes for a chair and a secretary from their number, who together form the Centres of Expertise council executive committee. A simple majority of 50% plus 1 of all members of the Centres of Expertise council is required for this vote. The Centres of Expertise council shall always elect a new executive committee at the start of a new period of office, following a general election.
2. The chair is responsible for representing the Centres of Expertise council in both legal and non-legal matters.
3. The executive board of the Centres of Expertise council, in consultation with the boards, draw up a schedule and agree on what decisions should be referred to the Centres of Expertise council for its approval or advice.

Article 117 - Consultation and reporting

1. The language used in the meetings of Centres of Expertise council and in their documents is Dutch, unless agreed otherwise.
2. Together with the boards, the Centres of Expertise council shall determine the frequency of meetings where the Centres of Expertise council will meet on its own and those where it will meet periodically with the boards.
3. The meetings of the Centres of Expertise council are generally held in public, unless agreed otherwise with the boards in advance.
4. The Centres of Expertise council shall ensure that the meeting details, agendas and reports are published for the wider Centres of Expertise.
5. Minutes are made of each Centres of Expertise council meeting.

Article 118 - General duties of the Centres of Expertise council

1. To the best of their abilities, the Centres of Expertise council will promote openness, transparency, quality and mutual consultations in the Centres of Expertise.
2. The Centres of Expertise council undertakes to pursue the objectives and mission of the Centres of Expertise.
3. Centres of Expertise council members perform their duties without being bound by any instructions or mandate. In performing their duties, they shall focus on the interests, objectives and further development of the Centres of Expertise.
4. The Centres of Expertise council shall make every effort to actively consult with students (especially Centres of Expertise student interns), with the aim of including students' opinions in its decision making.

Article 119 - General powers of the Centres of Expertise council: the right of initiative and the right to information

1. The boards of the Centres of Expertise shall give the Centres of Expertise council the opportunity to discuss general affairs in their respective Centres of Expertise at least twice a year, which meetings may be held in addition to or at the same time as the meetings with the boards referred to in Article 117. The parties may also be convened if any of the parties makes a reasoned request to that effect.
2. The Centres of Expertise council is authorised to discuss all matters of importance to the Centres of Expertise. The Centres of Expertise council is authorised to make proposals on these matters and make its positions known to their respective boards. This is the right of initiative. The boards should give their reasoned written response to the Centres of Expertise council within three months, in the form of a proposal.
3. The boards of the Centres of Expertise shall promptly provide the Centres of Expertise council, whether solicited or not, all the information it may reasonably and fairly need to carry out its duties.
4. Promptly, as referred to in paragraph 3, shall be defined as at least ten working days before the start of the meeting cycle referred to in Article 117 of these regulations. The information should be provided to the Centres of Expertise council in writing as much as possible, through the secretary to the Centres of Expertise council.
5. In urgent cases, the period referred to in paragraph 4 may be disregarded.

Section 21: Special powers of the Centres of Expertise council

Article 120 - Criteria for the right to advise and the right of approval

The right to advise and right of approval are subject to the following criteria:

1. the boards consider the relevant interests carefully;
2. sufficient information has been provided at the appropriate time (see Article 119 of these regulations);
3. there is a balanced assurance of the interests of employees.

Article 121 - Deadlines and decision-making

1. The Centres of Expertise council gives the boards an indication of whether or not they will give their consent to a proposed decision. This takes place within six weeks of receipt by the official secretary to the Centres of Expertise council of the proposed decision.
2. If the boards request the advice of the Centres of Expertise council on a proposed decision on the basis of these regulations, the Centres of Expertise council shall issue its advice no later than six weeks after receipt of the proposed decision by the secretary to the Centres of Expertise council.
3. The deadlines referred to in this article may be disregarded if both parties so agree in writing. Holiday periods do not form part of the six-week period. In urgent cases, the deadline referred to in paragraphs 1 and 2 may be disregarded.
4. If decisions require a vote to be taken, the following applies:
 - a. if a decision is presented by Centres of Expertise boards jointly, and therefore concerns every Centre of Expertise, then every member of the Centres of Expertise council shall have a vote of equal weighting. The voting procedure is that a simple majority of votes, 50% plus 1, of the total number of Centres of Expertise council members, is required.
 - b. if a decision is presented by just one board, and it therefore concerns only that Centre of Expertise, then the member of the Centres of Expertise council who comes from that Centre of Expertise shall have a decisive vote. In other words, this member must vote in favour of the proposal. If they does not do so, then the Centres of Expertise council does not give its consent to the proposal by default.
 - c. if a decision is presented by two or three boards, and it therefore concerns only these Centres of Expertise, then the members of the Centres of Expertise council who comes from these Centres of Expertise council shall have a decisive vote. In other words, these members must vote in favour of the proposal. If they do not do so, then the Centres of Expertise council does not give its consent to the proposal by default.

If a decision cannot be made with 50% plus 1 of the total members of the Centres of Expertise present, the Centres of Expertise council must approach every absent member and hold a vote, which may take place outside of the meeting. In such cases, the absent Centres of Expertise council members must vote by e-mail no later than two working days after the meeting. This deadline of two working days also applies to internal Centres of Expertise council decisions taken outside its meetings.

4. If the Centres of Expertise council withholds its consent or advises against a proposal, the proposed decision – whether amended or not – will be submitted to the Centres of Expertise council for a second time. In that case, the Centres of Expertise council shall inform the boards in writing of whether it has issued its approval or advises in favour of the proposal in the second instance, within six weeks of the secretary to the Centres of Expertise council having received the

amended proposed decision. In the absence of any such approval or advice in the second instance also, the provisions in the disputes procedure in Section 22 of these regulations will apply.

Article 122 - The right of approval of the Centres of Expertise council

The boards of the Centres of Expertise require the prior approval of the Centres of Expertise council for each decision taken by the boards with regard to the following matters:

- a. the adoption of or amendments to the internal organisation of a Centre of Expertise, including the adoption of a restructuring plan;
- b. the adoption of or amendments to a business plan of a Centre of Expertise;
- c. the adoption of or amendments to the policy principles of a Centre of Expertise;
- d. regulations relating to occupational health, safety or well-being, to the extent that they do not come under the remit of the Joint Consultative Council;
- e. the establishment of or amendments to the facilities and funds at the disposal of the Centre of Expertise;
- f. the adoption of or amendments to quality assurance policy plans, to the extent that they do not come under the remit of the Joint Consultative Council.
- g. adopting the personnel plan and the implementation of personnel policies;
- h. the adoption of or amendments to the implementation of the regulations on holidays, leave and employee working hours, to the extent that they do not come under the remit of the Joint Consultative Council;
- i. the adoption of or amendments to the implementation of the regulations on training for employees.

Article 123 - The right to advise of the Centres of Expertise council

The boards require the advice of the Centres of Expertise council for important matters that concern the continued existence and the general sound running of the Centres of Expertise, including the profiles of the directors. The Centres of Expertise council also has the right to have a delegation on the selection committee when a new dean or vice dean is being appointed. In this case, the Centres of Expertise council member from the Centre of Expertise for which a candidate is being sought shall have right of first refusal on membership of this committee.

Section 22: Disputes procedure

Article 124 - The disputes committee

Avans is affiliated to the disputes committee for participation in higher education, which is part of Stichting Onderwijsgeschillen (Foundation for Educational Disputes), in Utrecht.

Article 125 - Internal procedure for disputes

1. If the boards do not receive the required approval for a proposed decision or they are advised against a proposed decision, even in the second instance (see Article 121, paragraph 4 of these

- regulations), then an internal dispute is said to exist. In the event of a dispute concerning the right to advise, the implementation of the proposed decision will be suspended for four weeks, unless the Centres of Expertise council has not raised any concerns about the immediate implementation of the decision. In the event of a dispute concerning approval, the implementation of the proposed decision will be suspended until the external national committee (see Article 126 of these Participation Regulations) has issued a ruling.
2. An internal dispute is to be submitted to the Executive Board and the Joint Consultative Council. The Executive Board and the Joint Consultative Council shall endeavour to resolve the internal dispute by means of mediation between the boards and the Centres of Expertise council in the first instance.
 3. If the mediation effort referred to in paragraph 2 of this article is unsuccessful, the Executive Board and the Joint Consultative Council shall jointly determine that the internal dispute will be submitted to an internal disputes committee, which must be formed exclusively for dealing with the dispute at hand.
 4. An internal disputes committee consists of three members, with one member being appointed by the Executive Board and one member being appointed by the Joint Consultative Council. These members shall jointly appoint a third member as chair. Members of the Executive Board, the boards involved and members of the Centres of Expertise council may not form part of the internal disputes committee.
 5. Within one week of the mediation effort referred to in paragraph 2 being deemed unsuccessful, the Executive Board and the Joint Consultative Council must submit the dispute to the internal disputes committee, each having appointed one member. The two appointed members must then appoint a third member as the chair within one week.
 6. The internal disputes committee may be assisted by experts, if required.
 7. The internal disputes committee must issue its ruling to the Executive Board and the Joint Consultative Council within four weeks of the dispute having been submitted.
 8. The Executive Board and the Joint Consultative Council may jointly agree on a different deadline.
 9. The internal disputes committee issues a compelling ruling.
 10. The internal disputes committee is dissolved once it has issued its ruling on the dispute.

Article 126 - External procedure for disputes

1. The disputes committee, referred to in Article 124 of these Participation Regulations, shall take cognisance of the dispute between the Centres of Expertise boards and the Centres of Expertise council once the internal disputes committee has issued its ruling pursuant to Article 125 of the these Participation Regulations. The boards concerned and the Centres of Expertise council must bring the dispute before the national external disputes committee within one week of receiving the compelling ruling from the internal disputes committee.
2. As the ruling issued by the internal disputes committee is a compelling one, any objection to the ruling must be substantiated in detail, explaining the justification for bringing the dispute before the national external disputes committee.
3. The national disputes committee will first try to reach an amicable settlement. Failing this, it will issue a binding ruling.
4. The proposed decision may not be implemented by the Centres of Expertise boards until the national external disputes committee has issued a ruling on the dispute.
5. In the case of a dispute concerning advice, the implementation of the proposed decision will be suspended for four weeks, unless the Centres of Expertise council has not raised any concerns

about immediate implementation of the decision. This four-week period commences on the date on which the Centres of Expertise council received the proposed decision.

6. Appeals against rulings by the national disputes committee may be brought before the Enterprise Chamber of the Amsterdam Court of Appeal. The appeal must be filed within one month of the issuing of the ruling by the national disputes committee. An appeal may only be filed on the basis that the national disputes committee has incorrectly applied the WHW.
7. Rulings by the Enterprise Chamber of the Amsterdam Court of Appeal may not be appealed to the Supreme Court. By way of derogation from Article 237 of the Code of Civil Procedure (*Wetboek van Burgerlijke Rechtsvordering*), the consultative body cannot be ordered to pay the costs of the proceedings.
8. If the boards fail to act in accordance with the decision on which the Centres of Expertise council has given its approval or advice in favour, the Centres of Expertise council may bring the matter before the national disputes committee immediately. In this case, the Executive Board and the Joint Consultative Council are not required to attempt mediation beforehand.

Section 23: Elections

Article 127 - Eligibility to stand and to vote

1. Any person who has been employed in a Centre of Expertise at Avans in a position equivalent to at least 0.4 FTE for at least three months on the day of nomination is eligible to stand for election to the Centres of Expertise council, unless they are a dean or vice dean.
2. Any person who is employed in a Centre of Expertise at Avans and who is not a dean or vice dean is entitled to vote in the elections to the Centres of Expertise council.
3. Members of the Centres of Expertise council are elected directly by and from the employees of their respective Centre of Expertise.
4. Employees may only stand for election for the seat of the Centre of Expertise at which they work, and not for the council seats of the other Centres of Expertise.

Article 128 - Organisation of the elections

1. The council itself is responsible for organising the elections of members to the Centres of Expertise council. The Centre for Student and Staff Participation is in charge of the general elections for all sub-councils at Avans, though the centre does involve each sub-council in the process. References to 'Centres of Expertise council' in Section 23, in relation to general elections, equate to the Centre for Student and Staff Participation.
2. The Centres of Expertise council is charged with organising the election of members to the Centres of Expertise council in accordance with the provisions of these Centres of Expertise council regulations, as well as the election protocol that applies throughout Avans.
3. The Centres of Expertise council confirms and publishes the results of the elections. As far as the general elections to each Avans sub-council are concerned, the Centre for Student and Staff Participation confirms and announces the results.

Article 129 - Date of elections

The Centres of Expertise council determines the date on which the elections are to be held, as well as the time when voting commences and finishes, the place where the elections are to be held and the way in which voting takes place. With regard to the general elections for every Avans sub-council, the Centre for Student and Staff Participation sets the date and the times between which voting takes place, as well as where the elections are held and the way in which voting takes place. However, the elections must not take place more than six weeks before or more than two weeks after the expiry of the period of office. The Centres of Expertise council or Centre for Student and Staff Participation informs the boards of the Centres of Expertise and every Centre of Expertise voter of the date of the election.

Article 130 - Nominations

1. Nominations are made by submitting a nomination form to the sitting Centres of Expertise council no later than four weeks before the election. The Centres of Expertise council shall provide a dated confirmation of receipt.
2. The list of candidates will feature written declarations, signed by the candidates, stating that they accept their nomination.
3. Nomination forms for the Centres of Expertise council must bear the signatures of at least three eligible voters from the relevant Centre of Expertise, declaring that they support the nomination.

Article 131 - Investigation into candidates' eligibility

1. The sitting Centres of Expertise council will investigate whether the candidates meet the statutory requirements and the Centres of Expertise council regulations.
2. The sitting Centres of Expertise council shall declare ineligible any candidate who does not meet the requirements referred to in the previous paragraph and shall inform the candidate and the board of the Centre of Expertise in question in writing immediately.
3. No later than three weeks before the elections, the sitting Centres of Expertise council will compile lists of candidates in the manner prescribed in the relevant regulations, stating the position of the employees and organisational units where they work. One list of candidates will be drawn up for each Centres of Expertise seat.
4. If the number of candidates does not exceed the number of vacant seats, the candidates are elected to the Centres of Expertise council automatically. In this case, no election takes place. This applies to each Centres of Expertise council seat. It is therefore possible that an election is held in one Centre of Expertise, but not for another.
5. The lists will be distributed electronically by the sitting Centres of Expertise council to all eligible voters in the Centres of Expertise, at least three weeks before the election date .

Article 132 - Voting procedure

1. On the day of the election, a link to the electronic voting platform will be e-mailed to all eligible voters in the Centres of Expertise by or on behalf of the sitting Centres of Expertise council. The module contains the list of candidates from the Centre of Expertise at which the voter is employed.
2. Each eligible voter is entitled to cast one vote for one candidate for the seat on the Centres of Expertise council at which the voter is employed.
3. Voting by proxy is not permitted.

Article 133 - Valid and invalid votes

1. Once voting has closed, the sitting Centres of Expertise council shall determine the number of valid votes that each candidate has received.
2. The following votes are invalid:
 - a. those not issued by or on behalf of the sitting Centres of Expertise council;
 - b. where the choice of the voter is not clear;
 - c. where more than one candidate has received a vote;

Article 134 - Election results

1. The candidate who receives the greatest number of votes is elected.
2. If two or more candidates for a seat receive the same number of votes, the winning candidate will be decided by the drawing of lots. The drawing of lots is carried out by the sitting Centres of Expertise council.
3. The election results are confirmed by the Centres of Expertise council and published in writing to every candidate and to the boards of the Centres of Expertise, and by general announcement to all staff in the Centres of Expertise.
4. If there is an insufficient number of candidates, the seat or seats will remain vacant, unless the Centres of Expertise council opts to organise a new election to fill the seat or seats.
5. Once the elected candidates have been awarded their seats on the Centres of Expertise council, any remaining candidates will be placed on a reserve list. The order on the reserve list is based on the number of votes cast for each candidate.

Article 135 - Objections

1. Objections against decisions by the Centres of Expertise council relating to:
 - a. the setting of the date on which an election is to be held and the times at which voting is to commence and finish;
 - b. the compilation of the list of eligible candidates and voters;
 - c. the validity of a nomination;
 - d. the confirmation of the results of an election;may be made in writing to the Centres of Expertise council by any interested party within two weeks of publication of the relevant decision.
2. The Centres of Expertise council shall rule on the objection immediately and in writing, specifying its reasons, and shall take any measures as necessary. The decision of the Centres of Expertise council is binding. Reference is made to the regulations contained in the election protocol, which applies throughout Avans.

Article 136 - Interim vacancies

1. In the case of any interim vacancies on the Centres of Expertise council, the Centres of Expertise council designates the reserve candidate who received the most votes at the last election, according to the results published, to succeed the vacating member.
2. The designation of the successor shall occur within four weeks of the vacancy occurring.
3. If the first reserve candidate declines to take the seat, the next candidate who received the most votes at the last election, according to the results published, becomes eligible to succeed the vacating member. Any reserve candidate who declines to take a seat retains their right to fill a seat that becomes vacant in the future.

4. If no successor is appointed as meant in paragraph 1, a by-election is held to fill the vacant seat, unless the period of office of the council expires within three months.
5. Any person who, in accordance with the provisions of the foregoing paragraphs of this article, fills the vacant seat shall vacate that seat at the same time as the vacating member was originally scheduled to do so.

Section 24: Final provisions

Article 137 - Unforeseen circumstances

In cases not covered by these regulations but relating to the matters that are governed in these regulations for the Centres of Expertise council, the Executive Board shall submit a proposal (at the request of the boards of more than one Centre of Expertise) to the Joint Consultative Council to provide advice on the issue. The Executive Board shall take a decision on the advice given.

Article 138 - Adoption of and amendments to the regulations

1. The Executive Board shall submit these Participation Regulations to the Centres of Expertise council, including any amendments thereto, as a proposed decision for approval by the Joint Consultative Council.
2. At the request of the Centres of Expertise council, the Joint Consultative Council may propose amendments to these regulations for the Centres of Expertise council to the Executive Board.
3. Any decision to adopt or amend these Participation Regulations for the Centres of Expertise council requires a simple majority of Joint Consultative Council members of 50% plus 1, in accordance with Article 17, paragraph 4 of these Participation Regulations.
4. Notwithstanding the provisions in the first paragraph, the Executive Board shall discuss the content of these regulations for the Centres of Expertise council, and their application, with the Joint Consultative Council every five years. The participation system as meant in Article 10.16a of the WHW may not be amended within five (5) years of the decision on the system being adopted.

Article 139 - Official title

These regulations are officially referred to as the 'Participation Regulations for the Centres of Expertise council'.

Article 140 - Entry into force

1. These regulations for the Centres of Expertise council enter into force on the day after their adoption by the Executive Board, following approval by the Joint Consultative Council.
2. The previous Participation Regulations shall lapse on the same day.