

ITC FACULTY COUNCIL

02 November 2020

Rules and regulations

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Preamble

The Faculty Council (FC) of the Faculty of Geo-information Science and Earth Observation (ITC) has adopted these Faculty Council Rules and Regulations on 02 November 2020, which follow the law on Higher Education and Research (Wet op het Hoger onderwijs en Wetenschappelijk onderzoek, WHW, hereafter named the Act) and the Rules and Regulations of the University Council of the University of Twente (Reglement Universiteitsraad), adopted by the University Council and the University Executive Board on February 15, 2017, hereafter referred to as the “Reglement Universiteitsraad” or in English “The Rules and Regulations of the University Council”, or abbreviated to ‘The UC Rules’ .

Chapter 1. GENERAL PROVISIONS

Article 1. Definition of terms

1. In these rules the following definitions apply:
 - a. The University: University of Twente;
 - b. Universiteitsraad: The University Council (UC);
 - c. The Act: the Higher Education and Research Act (WHW) dated 1 August 2020;
 - d. The Executive Board: The Executive Board of Twente University;
 - e. The Faculty: the Faculty of Geo-Information Science and Earth Observation (ITC) of the University;
 - f. the Council the Faculty Council of the Faculty of Geo-Information Science and Earth Observation (ITC) at the University of Twente established on the basis of article 9.30 (and 9.37-38b) of the Act; Abbreviated to 'FC'.
 - g. The Dean: The Dean of the ITC Faculty referred to in article 9.12 of the Act;
 - h. The Faculty Board: The Faculty Board of ITC
 - i. The secretary: the official secretary of the ITC Faculty Council;
 - j. The section: the staff section or the student section of the Faculty Council;
 - k. Daily Board: Chairperson and two deputy - chairpersons of the ITC Faculty Council;
 - l. Faculty Council meeting: the regular meeting of the ITC Faculty Council members
 - m. Consultative meeting: the meeting in which the ITC Faculty Council and the Dean or it's representative consult;
 - n. Term of office: Period equal to the duration of the mandate of the council members, (two years for staff and one year for students)
 - o. Writing: refers to all media that might be applied for laying down information in writing;
 - p. Programme Committee; (in Dutch: Opleidingscommissie), The committee is in charge of providing advice to the Faculty Board and Programme Management regarding the promotion and safeguarding of the quality of the education programmes.
 - q. Reglement Universiteitsraad: "Rules and Regulations of the University Council of the University of Twente" – ' The UC Rules.
2. Wherever the masculine form is used in these rules, the feminine form is equally applicable.

These rules supplement the Rules and regulations of the University Council of the University of Twente. These rules may not conflict with the Act and the Rules and regulations of the University Council. In case of conflicting rules, the Act and the rules and regulations of the University Council shall prevail.

Chapter 2. COMPETENCES/AUTHORITIES OF THE FACULTY COUNCIL

Article 2. Faculty Council (Article 9.37 - 9.38b of the Act)

1. The Faculty Council represents, by mandate of the Act, the faculty (staff and students) and executes a right of consent and advisory right regarding faculty related matters to the Dean as a representative of the Faculty Board.
2. The Faculty Council consists of 10 persons. One half represents the members elected by and out of the staff (the staff section), while the other half is elected by and out of the students (the student section)

3. The Faculty Council chooses a Chairperson from its midst and two deputy Chairpersons (vice Chairpersons), one from the staff section and one from the student section
4. The Dean provides the administrative, management and budgetary support of the Faculty Council; the Dean appoints a secretary to that end.
5. The Faculty Council defines and adopts internal regulations dealing with routine/daily business.
6. General authorities applicable to the Faculty Council are defined in the University Council Regulations (article 23).

Article 3. Right of consent and advisory right

1. The right to consent
 - a. The Dean requires the approval by the council for each proposed decision with respect to the following subjects:
 - b. the faculty's regulations as referred to article 9.14 of the Act;
 - c. the education and examination regulation as referred to article 7.13 of the Act with the exception of the subjects cited in the second article, items -a- to -g-.
 - d. In addition the council has the right of consent on the following:
 - i. policy regarding education, research, capacity development and faculty facilities, as well as major deviations of the applied policy, as stated in the policy plan.
 - ii. the Faculty Domain Plan and the drawing up or termination of Faculty's programmes;
 - iii. affairs in the area of safety, health, and welfare related to the faculty's work; the faculty's ARBO and environment policy.
2. The right to advice relates to:
 - a. the faculty's budget and accompanying year plan, including the internal distribution plan;
 - b. the education and examination regulations, referred to article 7.13 of the Act regarding the second article, the items -a- to -g-
 - c. facilities for education and students;
 - d. student housing policy and educational projects;
 - e. the faculty's policy on public relations and communication; the faculty's policy on research and related development; faculty's policy for capacity development.
3. The Faculty Council has the authority to engage in legal proceedings, also on behalf of the Programme committee.

Article 4. Specific competencies of the staff section of the council

1. The Dean ensures that the staff section of the Faculty Council is given the opportunity in a timely fashion to give advice and to consult on proposed measures concerning:
 - a. the way in which the conditions of employment are applied by the Faculty;
 - b. the way in which the general personnel policy is implemented by the Faculty;
 - c. matters in the field of the working conditions (safety, health and welfare) at the Faculty;
 - d. the organisation of and way of working within the Faculty;

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- e. the technical and economic performance of the Faculty.
2. As stated in Article 4.1 and referring to the code of reorganisation, the advisory right must anyhow be adhered to with respect to reorganisation plans.
3. The cited rights of the staff section in Article 4.1 are applicable on matters under for which the Dean has responsibility, delegated by the Executive Board.
4. The staff section can submit proposals to the Faculty Council for consideration of the Dean referring to matters cited in Article 4.1.
5. The Dean requires preceding approval of the staff section on each enactment he is authorised to take and on which the staff section has advised referring to article 4.1.
6. The Dean determines rules and regulations in agreement with the staff section on the execution of the rights as stated in Article 4.1, 4 and 5.
7. Provided that the cited matters under Article 4.1. are not embargoed the student section has the right to be informed and discuss on all matters concerning Article 4.1, but have no voting right.
8. If the council deems it necessary to differentiate between staff and student issues, the Faculty Council can decide to assign the voting rights to one section.

Article 5. Specific competencies of the student section

1. For matters that are determined by the Council to be solely student related, the student section has complete voting power, whereas the staff section has the right to be informed but no voting power.
2. The Vice-chairperson of the Student section is the official lead within student members of the council.
3. The student vice-chairperson is voted within the Council; In the case that an election of students to the Council had taken place, the student with the highest number of votes in the election is given the first opportunity to serve as the vice-chair. If there had been no such election (i.e. when the number of candidates was equal to the number of places), or if the candidate with the highest number of votes declines the opportunity, then candidates to be student vice chair may nominate themselves. In this case a vote of the student members will take place.
4. The student vice-chair can invite the faculty student assessor to the Council meeting when it is considered appropriate, and convey any information discussed outside the Faculty Council with other student representative into council's meeting.
5. The student section is responsible for shortlisting the candidates for the student assessor position in the Faculty Board

Article 6. Faculty Council members' term.

1. The members' term starts on January 1st of the year after the election has been organised.
2. The staff section's members are elected for a two years period. The student section's members are elected for a one year period.

3. At the end of their term the members resign at large. The resigning members are immediately eligible to stand for a new term, under conditions set in the Electoral rules and regulations of the Faculty Council.

Article 7. Elections

1. The method and the management of the council members' election are provided by the Electoral rules and regulations of the Council (October 2017).

Chapter 3. STRUCTURE AND BODIES

Article 8. Chairperson

1. The Council first chooses a Chairperson from its midst.
2. The Council then chooses two deputy Chairpersons from its midst representing both sections. An order of replacement is also specified.
3. The Chairperson and deputy Chairpersons are chosen to serve for their term of office to the council, unless the council explicitly stipulates another period.
4. In his absence, the Chairperson is replaced by the first replacement deputy Chairperson.
5. If both the Chairperson and the deputy Chairpersons are prevented from attending, or if the Council has not yet chosen a Chairperson, the Council chooses from its midst a temporary Chairperson to chair the meetings.
6. The Chairperson or, in case of his absence, a deputy Chairperson, represents the council in legal proceedings and concerning differences between the council and the Dean.
7. The Chairperson is further in-charged with:
 - a. convening and leading the daily board meeting;
 - b. convening and leading the Council meeting;
 - c. convening and leading the Council delegation in the consultative meeting with the dean;
 - d. setting the agenda in consultation with the secretary;
 - e. consulting regularly with the Dean;
 - f. maintaining contacts with and informing the media on behalf of the council as a whole;
 - g. monitoring the rules and regulations.

Article 9. Secretary

1. The Secretary shall be appointed by the Dean.
2. The secretary assists the Daily Board and the Chairperson with the tasks mentioned, and is responsible for making minutes of the meeting and other reports of all the discussions of the Council and if necessary, of the committees.

3. The secretary is responsible for compiling and publishing an annual report of the council. In any event, the annual report describes the composition and way of working of the council and the most important council decisions.
4. In preparing for the meetings, the secretary has regular contact with the Chairperson.
5. The secretary is responsible for archiving documents produced and received by the Council.

Article 10. Daily Board

1. The Daily Board consists of the Chairperson and the two deputy Chairpersons from the student and staff sections.
2. The Daily Board is charged with:
 - a. determining strategy and general administrative matters;
 - b. preparing for meetings, such as maintaining contacts and making agreements with portfolio holders and/or officials;
 - c. coordinating the work of the Council and its committees;
 - d. maintaining contacts with various groups across the entire breadth of the faculty community.

Article 11. Committees

1. The Council appoints committees to cover the most important focus areas of the council.
2. The committee meetings are chaired by a Chairperson chosen by the Council, who with regard to the committee work has the same powers as those enjoyed by the Chairperson of a meeting of the council.
3. The committees are responsible for preparing the content of the agenda items for the consultative meeting. They have no official decision-making powers.
4. The committee Chairperson acquaints themselves with the state of affairs in his focal area and ensures that agreements made are monitored and implemented.

Chapter 4. MEETINGS

Article 12. Daily Board and Committee meeting

1. The Daily Board and Committees meet if deemed necessary in preparation for the Council and Consultative meetings. At the invitation of the Chairperson, the Dean and/or one or more necessary persons can take part in the meeting in order to clarify agenda items under consideration.
2. The meetings of the Daily Board or Committees are open sessions. The Chairperson can declare the meeting to be a closed meeting in case agenda items are confidential and/or at the request of guests attending the meeting. The meetings are always freely accessible to members of the Council, who are not members of the Committees concerned.
3. The Daily Board or Committees ascertain whether the correct procedure has been followed in drafting the proposals of the Dean and whether the relevant information for decision making is available to a sufficient extent.

4. The Daily Board or Committees formulate per agenda item a written memorandum containing (if applicable):
 - a. a report of the discussion and, if appropriate, divergent viewpoints;
 - b. outstanding questions;
 - c. a draft text for an advice or decision of assent.

Article 13. Council meeting

1. The procedural preparation for the consultative meeting takes place in the council meeting.
2. In the council meeting, it is ascertained whether a proposal submitted by a Daily Board or Committee can lead to a provisional standpoint of the whole council or of part of it.
3. Internal council matters can be raised in the meeting, as well as non-agenda items such as issues and motions raised under any other business.

Article 14. Consultative meeting

1. In the Consultative Meeting, the Council consults with the Dean and/or officials concerned, on proposals submitted by the Dean and/or the Council, as well as questions raised by the Council under any other business, and other subjects considered relevant at that moment.
2. During the Consultative Meeting, the Council is authorised to take legally valid decisions.

Chapter 5. CONVENING A MEETING AND DRAFTING THE AGENDA

Article 15. Meeting schedule and convening a meeting

1. As far as possible, the Council meets within normal working hours.
2. Meetings of the council are held only on dates and at times specified in advance in a meeting schedule established by the Chairperson and secretary.
3. In special cases the Chairperson is authorised to call a special meeting or cancel a regular meeting if there is no quorum (see Article 18.)
4. The special meeting can be convened upon request in writing by at least one-third of the council members, specifying the subject to be discussed. The Chairperson fixes the date of the meeting in consultation with the Daily Board.
5. The Chairperson convenes the meeting by notifying the members in writing.

Article 16. Notice period for convening meeting and forwarding relevant documents

1. Council members are notified of the meeting no later than five days before the meeting date by or on behalf of the Chairperson. This time limit does not apply if:
 - a. The council, after a consultative meeting, considers an extra council meeting to be necessary;
 - b. The council itself decides by minimum consensus to hold a series of meetings one after another in the near future.
2. In any event, the following documents accompany the notification:

- a. the proposed agenda of the meeting;
- b. the draft minutes of the previous meeting;
- c. the documentation pertaining to the agenda items.

Article 17. Drafting the agenda and participating in the meeting

1. The Daily Board drafts the agenda for the meeting.
2. In any event, the agenda lists the following items:
 - a. approval of the minutes of the previous meeting;
 - b. communications;
 - c. the list of documents received from the Dean;
 - d. any proposed initiatives raised by the Council, a group, a member or a committee or subjects for discussion;
 - e. incoming documents for assessment by the Council.
3. The Council is authorised to invite non-members to take part in dealing with a certain subject in a council meeting. In this case they have an advisory role.
4. The Council members inform the secretary not later than one day in advance if they are unable to attend the meeting.
5. If the personal interests of one of the members of the Council is at issue in (part of) a meeting, the Council can decide that the member concerned should not take part in (that part of) the meeting.

Chapter 6. DECISION MAKING AND REPORTING

Article 18. Quorum

1. A council meeting can take place only if at least a majority of the members of each of the two sections is present (the quorum).
2. If there is no quorum, the Chairperson can decide whether the meeting should take place anyhow.
3. In a meeting, legally valid decisions can be taken only if at least a majority of the members of each of the two sections are present.
4. If a decision must be taken by one of the two sections, the quorum only applies to the section concerned.

Article 19. Voting procedure

1. The council decides by consensus or majority vote.
2. A vote is held if the Chairperson or one of the members demands it. If a vote on a proposal is not requested, the proposal is carried by consensus.
3. In a vote, every member present at the meeting who is not obliged to refrain from taking part in the vote by virtue of Article 16.5, is obliged to cast a vote for or against or a blank vote.

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4. Prior to a vote, the Chairperson again determines whether there is a quorum, whereby a member who must refrain from voting by virtue of Article 17.5 is considered not present.
5. Voting is oral regarding business matters and in writing regarding persons.
6. If several proposals relating to one subject are on the table, the Chairperson first puts the proposal to the vote that in his opinion is most far-reaching.
7. If a Council member wishes to modify part of a proposal, the Chairperson first puts the proposed modification to the vote. The statement in the previous article is accordingly applicable.
8. If during a meeting it emerges that no vote can be taken on an agenda item, the council can agree to hold a vote via electronic means (e.g. e-mail).
 - a. If the vote concerns business matters, each member sends his vote to all the other members;
 - b. If the vote concerns persons, all members send their vote to the Daily Board, which after the voting declares the result.
9. In the case of specific subjects, the Council can decide to limit voting to one section.

Article 20. Order proposals and suspension of the meeting

1. An order proposal can be made orally at any moment and is directly handled. The Council directly decides on an order proposal.
2. A proposal for order relates to the course of events during the meeting and may refer, among other things, to:
 - a. the agenda;
 - b. the application of the faculty rules and/or the rules and regulations;
 - c. the public nature of the meeting;
 - d. the suspension or closing of the deliberations or the postponement of the decisions on any agenda item.
3. The Chairperson can suspend the meeting for a time set by him on the request of a Council member or if he considers this desirable for the course of the meeting or for maintaining order.

Article 21. Meeting report

1. The secretary is responsible for minutes of the meeting and in dissemination to all the Council members for comments.
2. In any event, the minutes contain the decisions taken by the Council.
3. The decisions of the Council are brought to the knowledge of the Dean as quickly as possible.
4. The minutes of (the part of) the meeting that is confidential is treated as a confidential document.

Chapter 7. PUBLIC NATURE AND ATTENDING THE MEETING

Article 22. Public nature of the meeting

1. The meetings of the Council are held in public, unless in the opinion of the majority of the members present the nature of the matter in hand dictates otherwise.
2. In any event, the Council consults in closed meetings concerning:
 - a. documents marked confidential by the Dean or submitting party;
 - b. nomination or dismissal of a member of the FMT.
3. The Council can refuse to deal with a document as confidential.

Article 23. Inspection of documents of council meetings

1. Each member of the Faculty community has the right to inspect the consultative documents, agendas and reports, provided they are not confidential, at the secretariat or through the Faculty website.

Article 24. Legal protection

1. The Dean ensures that the members of the Council (including the secretary) are not prejudiced, by reason of their membership, in their position with regard to the Faculty. This is applicable *mutatis mutandis* to candidate members and former members.
2. The employment's termination of a person employed by the Faculty, other than at the person's own request, may not be related to the
 - a. candidacy for membership;
 - b. membership;
 - c. former membership of the Council of the person concerned.

Article 26. Cases not covered by these rules and regulations

1. In cases not covered by these rules and regulations, the Council decides upon their relevance and determines its competence to deliberate on them.

Article 27. Special Cases and Amendments

1. Any amendments to these rules and regulations shall be approved by unanimous vote of the Council.
2. In special cases, the Council can, if the vote is unanimous, decide to deviate from the provisions in these rules and regulations.

Article 26. Citation title

These rules can be cited as "Rules and Regulations of the ITC Faculty Council - 2020".

Adopted by the ITC Faculty Council on November 2nd 2020.