



Basic Service Council Regulations

<NAME OF SERVICE DEPARTMENT> Service Council Regulations

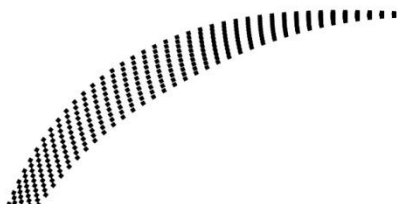


Explanatory note

In accordance with Article 9.50 of the Higher Education and Research Act, one or more service councils may be set up for the personnel employed by university service departments.

The policy of the University of Twente is that, in principle, each service department should have its own service council. Service departments with similar work duties (such as policy service departments) may opt to have a joint service council.

The Basic Service Council Regulations are a guide to the service councils. On the basis of the Basic Service Council Regulations, service councils can draw up their own service council regulations. The Basic Service Council Regulations are evaluated every 5 years for the topicality of legislation and regulations and their operation in practice.



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In view of the provisions in the Higher Education and Research Act and with the approval of the **<NAME OF SERVICE DEPARTMENT>** service council, the Executive Board adopted the **<NAME OF SERVICE DEPARTMENT>** Service Council Regulations on **<DATE>**. The regulations took effect on **<DATE>**.

Chapter I General provisions

Article 1 Terms and definitions

1. These regulations use the following definitions:
 - a. university the University of Twente
 - b. board the Executive Board of the university
 - c. Act, WHW Higher Education and Research Act
 - d. service department the **<NAME OF SERVICE DEPARTMENT>** service department
 - e. director the director of the **<NAME OF SERVICE DEPARTMENT>** service department
 - f. service council the council referred to in Article 9.50 of the Act
 - g. consultation meeting meeting at which the service council and the director meet jointly
 - h. internal meeting meeting at which the members of the service council meet jointly
 - i. cao NU Collective Labour Agreement of Dutch Universities
 - j. OPUT Staff representation body
2. Any use of masculine nouns, pronouns, etc. in these regulations is to be interpreted as including their feminine equivalents.
3. If several services are represented by one service council, the terms service or director may be interpreted as plural.

Article 2 Function and task of the service council

1. The service council represents the personnel of the **<NAME OF SERVICE DEPARTMENT>** service department and operates as an autonomous participatory, advisory, discussion, information, and communication body.
2. The service council does all within its power to help ensure that the service department operates as effectively as possible and represents the interests of the personnel. The service council does not address matters concerning individual members of staff.

Chapter II Composition and term of office

Article 3 Composition

1. The service council consists of staff members who work in one of the departments of the service with a minimum of three and a maximum of seven council members. The service council **<NAME OF SERVICE DEPARTMENT>** has **<NUMBER>** members.
2. The service council shall elect a chairman and secretary from among its members.
3. The director and the council shall agree every year on the administrative support to be given to the council.

Article 4 Term of office

1. The service council term of office commences on 1 September of the year in which the elections take place.
2. The members of the service council are elected for a period of two years.
3. The members of the service council all step down at the end of their term of office. They

4. are entitled to stand for immediate re-election.
5. As well as at the conclusion of a term of office, membership of the service council shall end in the following circumstances:
 - a. resignation in writing addressed to the secretary of the service council and to the director;
 - b. no longer being an employee in the service department;
 - c. temporary secondment away from the service department for a period greater than six months;
 - d. death.

Article 5 Elections

The system for electing members of the service council is set down in the **<NAME OF SERVICE DEPARTMENT>** Service Council Election Regulations, which are appended to and form part of these regulations.

Article 6 Procedure for interim vacancies

1. If a vacancy arises during a term of office, the service council shall appoint as the successor to the member in question the candidate who is most eligible according to the result of the most recent election.
2. The appointment shall be made within one month of the arising of the vacancy.
3. If, as a result of an interim vacancy, more than two seats on the service council become vacant, an interim election shall be held to fill these vacancies, unless the regular elections are due to be held in the subsequent six months.

Chapter III Powers

Article 7 Right of consultation

1. The director shall give the service council sufficient opportunity to advise him and to meet with him to discuss every proposed measure relating to¹⁾:
 - a. the way in which employment and service conditions are applied in the service department;
 - b. the way in which the general staff policy is implemented in the service department;
 - c. matters relating to occupational health, safety and well-being in the service department;
 - d. the organisation of and working methods in the service department;
 - e. the implementation of technical and economic services in the service department.
2. The right of consultation also relates to:
 - a. the service department budget plan and accompanying annual plan;
 - b. the service department's operational plan.

Article 8 Right of initiative

1. The staff council is entitled to make proposals relating to the matters referred to in Article 7, paragraph 1. Reasoned proposals shall be presented in writing to the director.
2. The director shall give a reasoned response in writing to proposals by the service council within thirty working days in the form of a proposal.
3. Before issuing the response referred to in the foregoing paragraph, the director shall give the service council at least one opportunity to meet with him.

Article 9 Right of consent

The director requires the prior consent of the service council for every measure he is entitled to take and on which the service council has issued advice in accordance with Article 7, paragraph 1.

¹⁾ see the explanatory note to Article 7, paragraph 1, which is added to these regulations

Article 10 Other powers

1. The service council is entitled to discuss all other matters that concern the service department as an employment organisation. The service council is entitled to make its position on these matters known to the director.
2. The service council encourages as much discussion on work-related matters as possible in the service department.
3. The service council guards against discrimination in general in the service department and promotes the equal treatment of men and women and the recruitment of people with disabilities and those from ethnic minorities.
4. The service council shall be consulted in confidence regarding the appointment and dismissal of the director.

Article 11 Additional rules

1. The service council shall not exercise its right of consultation, right of initiative or right of approval over matters that have already been addressed in accordance with a statutory regulation or the CAO NU.
2. The provisions of the first paragraph shall also apply if and to the extent that the Executive Board has set university-wide policies or rules with the agreement of the University Council or the OPUT staff representative body.

Article 12 Exercising the right of consultation and right of approval

1. The director shall present, in writing, measures to the service council that require the opinion or consent of the council. In doing so, he shall provide, without being prompted, the information the service council requires to be able to give its opinion of or consent to the measure in question.
2. The director shall give the reasons for any measure and shall state as much as possible what consequences such a measure will have for the service department and for the personnel, as well as the provisions that will have to be taken in implementing the measure.
3. With regard to measures as referred to in paragraph 1, the service council shall not exercise its rights before consulting the director about the matter at hand, unless both parties indicate they have no need for any such consultation.
4. As soon as possible and no later than thirty working days after a measure has been discussed in a discussion meeting, the service council shall issue its opinion in writing to the director or give notice that it has granted the requested consent, provided that the measure and the information referred to in paragraphs 1 and 2 were submitted to the service council secretary at least ten working days before the discussion meeting. If the service council does not respond within the stated time, it shall be deemed to have given its consent to the measure.
5. Derogations from the period referred to in the foregoing paragraph are permitted if the director and the service council agree.
6. If the service council is of the opinion that the director should have presented a measure for its opinion or consent, the service council shall give reasoned notice of this to the director. The director will then consult with the service council. If, even after these consultations, the director decides to propose the measure without seeking the opinion or consent of the service council and the service council remains of the view that he should have done so, then a dispute shall be deemed to exist. The service council shall notify the board of this dispute.

Article 13 Request for an opinion

1. If the director has to send a proposed measure to the service council for its opinion, in accordance with these regulations, he shall do so in sufficient time as to allow its deliberations to have a meaningful influence on the decision-making process.

2. The service council shall issue an opinion about a proposed measure only after discussions about the measure have taken place, notwithstanding Article 12, paragraph 3.
3. The director shall inform the service council in writing as soon as possible, but no more than six weeks after receipt of the written opinion from the service council, about what action is to be taken regarding the opinion.
4. If the director does not act upon the opinion (or part thereof) of the service council, he shall inform the council, stating his reasons.

Article 14 Request for consent

1. If the director has to send a measure due to be implemented by him to the service council for its consent, in accordance with these regulations, he shall do so in sufficient time as to allow its consent to have a meaningful influence on the decision-making process.
2. The service council shall decide whether or not to grant its consent only after discussions about the proposed measure have taken place, notwithstanding Article 12, paragraph 3.
3. Within six weeks of the director receiving written notification from the service council that it is not granting its consent, the director shall notify the service council in writing of whether he will withdraw or wishes to implement the proposed measure.
4. If the director decides to implement a measure for which he has not obtained the consent of the service council, a dispute shall be deemed to exist. The director shall notify the board of this dispute.

Chapter IV Disputes

Article 15 Disputes committee

1. The board shall set up a disputes committee for dealing with discussions with service councils. The committee shall consist of three members and three deputy members. One member and one deputy member shall be nominated by the board. One member and one deputy member shall be nominated by the service councils collectively. Both members shall nominate the third member, who will also be the chairman of the committee, and his deputy.
2. The chairman of the committee and his deputy shall not be in any employment capacity at or for the university.
3. Members and deputy members of the committee may not:
 - a. be members of the university supervisory board;
 - b. be members of the board;
 - c. be directors of a service department;
 - d. be members of any university participation body.
4. The board shall appoint an executive secretary, who will support the committee.
5. The committee shall issue a ruling, which shall be binding on both parties, in relation to disputes between the director and the service council. In doing so, the committee shall pay due regard to the parameters that govern the national disputes committee regarding university participation matters, as referred to in Article 9.39 of the Act.
6. The committee may adopt its own procedural regulations. It shall otherwise operate as it sees fit.

Article 16 Disputes procedure

1. Notice of any dispute between the director and the service council shall be given to the board by the director or the service council, as the case may be, no later than four weeks after the arising of the dispute in question, in the form of a dispute resolution request.
2. The request shall describe the dispute and the reasoned arguments of the party or parties submitting the request. All documentation relating to the dispute must accompany any such request.
3. The board shall refer the dispute resolution request to the disputes committee regarding discussions with service councils, unless the board is of the opinion that the dispute can

be resolved without the intervention of the disputes committee and accompanies its opinion with a proposal to resolve the dispute to which both the director and service council agree.

4. As soon as the committee has received the dispute resolution request, it will send a copy of the request and the accompanying documentation to the other party. The secretary will then invite the other party to submit its defence to the committee.
5. As soon as the committee has received the defence, the secretary will send a copy to the party that submitted the dispute resolution request.
6. The committee is authorised to obtain all the information and data it considers necessary in order to deal with the dispute.
7. The committee is authorised to hear any member of staff it wishes.

Chapter V Rights and obligations

Article 17 Duty of disclosure

The director shall provide the service council, whether requested to do so or not, with all the information it reasonably needs to be able to carry out its duties. He shall do so in plenty of time, and no later than three weeks after any such request. This period may only be exceeded in exceptional cases and a reasoned notification must be sent to the service council.

Article 18 Protection against detrimental consequences

The director shall ensure that the members of the service council do not face any detrimental consequences in their position in the service department as a result of their membership of the service council. This applies equally to candidate members and former members.

Article 19 Advisory committees and experts

1. The service council may set up advisory committees and consult experts when discussing particular topics.
2. The service council decides on the composition and duties of advisory committees when they are established.
3. The service council may appoint members to advisory committees who are not members of the service council. The appointment of members from outside the service department is only possible after discussions with the director have taken place on the matter.

Article 20 Confidentiality

1. The members of the service council and the members of its advisory committees, as well as any experts who are consulted, are bound to treat as confidential all matters that come to their attention in the course of their duties that the director or the service council or the advisory committee in question has deemed should be so treated. Notice of any intention to impose confidentiality shall be given as much as possible before the matter in question is dealt with. The party imposing confidentiality shall also give notice of which written or oral information is confidential, how long the confidentiality must be maintained and whether there are people in respect of whom confidentiality need not be observed.
2. The obligation to observe confidentiality shall not lapse as a result of the termination of membership of the service council or of the relevant advisory committee.

Article 21 Service council facilities

1. The director shall allow the service council to use the facilities available to him and which the service council reasonably needs to carry out its duties.
2. The costs that are reasonably needed for the service council and its advisory committees to carry out their duties shall be borne by a budget specified by the director.
3. The costs of consulting experts shall also be borne by this budget if and to the extent that the director has granted permission for this.

4. The service council shall meet during normal working hours as much as possible.
5. The members of the service council and its advisory committees shall retain their salary entitlement for the time they are unable to perform their stipulated work as a result of their duties for the service council.

Article 22 Meetings with members of staff

1. The service council may convene meetings about matters of particular importance with some or all members of staff.
2. The meetings shall be organised, in consultation with the director, in a way that minimises disruption to the day-to-day activities of the service department.

Chapter VI Working method

Article 23 Service council internal meetings

1. The service council shall meet in the following cases:
 - a. at the request of the chairman;
 - b. following a reasoned request by at least two members.
2. The chairman shall determine the time and venue of the meeting. Meetings requested by members of the service council shall be held within ten working days of their request reaching the chairman.
3. The secretary shall convene the meetings by means of a written notification. Except in urgent cases, he shall do so at least five working days before the scheduled meeting in question.
4. These meetings may only take place if at least half the members of the service council are present.
5. The internal meetings of the service council are open to the public, in principle. The service council may rule in advance that an internal meeting, or part thereof, shall be held in closed session.

Article 24 Chairman

1. The chairman shall draw up an agenda for each discussion meeting, in consultation with the secretary if necessary. Each member of the service council may submit to the chairman a proposal to place an item on the agenda.
2. The chairman shall share the agenda with the members of the service council, the director and the secretary at least five working days before the discussion meeting. In urgent cases, he shall share the agenda at least two working days before the service council discussion meeting.
3. The chairman shall hold regular consultations with the service department director.

Article 25 Secretary

1. The secretary is responsible for drawing up the reports of meetings, for sending and receiving letters, and for managing and archiving the documents intended for and produced by the service council.
2. The secretary is responsible for the publication of the agendas and the reports to the service department members of staff.
3. The secretary is responsible for drawing up and publishing the service council's annual reports.
4. The secretary is in regular contact with the chairman in order to prepare for the meetings.

Article 26 Voting procedure

1. The service council reaches its decisions by a simple majority of votes. A proposal shall be adopted if more members vote for the proposal than against it, regardless of the number of abstentions.

2. Oral votes shall be used for business matters, while written ballots shall be used for matters pertaining to people.
3. Members of the service council may only cast their votes during meetings.
4. A vote shall take place at the request of the chairman or any of the members. If a vote is not requested in relation to a proposal, the proposal shall be adopted.
5. If, when voting to appoint a person, no candidate achieves a simple majority of votes, a second ballot shall be held between the two candidates who received the most votes in the first ballot. The person obtaining the most votes in the second ballot shall be the winner. In the event of a tie, lots shall be drawn.
6. In the event of a tie on a decision to be taken by the service council that does not relate to the appointment of a person, the proposal shall be voted on again at the following meeting. In the event of another tie, the proposal shall be deemed to have been rejected.

Article 27 Reports of meetings

1. The secretary shall produce a report of each meeting of the service council and send it to the members as soon as possible.
2. Unless any member of the service council submits a reasoned objection to the report within one week of it being sent, the secretary will publish the report for the director and for members of staff.
3. If an objection as referred to in the foregoing paragraph is made, the secretary shall publish the report only after the service council has taken a decision about the report.

Article 28 Service council annual report

1. Before 1 September of each year, the secretary shall produce a report of the service council's activities during the previous year. Annual reports must be approved by the service council.
2. The secretary shall publish the annual report for the director and for members of staff as soon as possible after it has been approved.

Article 29 Rules of procedure

The service council may establish rules for its procedures and conduct of meetings, which may not conflict with the Act or these regulations.

Chapter VII Discussion meetings

Article 30 Discussion meeting

1. The service council and the director shall hold a discussion meeting at least four times a year.
2. The director and the service council shall hold a discussion meeting within two weeks following a reasoned request to do so by either party.
3. The secretary shall convene the discussion meeting by means of a written notification.
4. A discussion meeting may only take place if at least half the members of the service council are present.
5. In the event of the director being unable to attend, he may appoint a deputy.
6. In the discussion meetings, any matter affecting the service department that the director or service council wishes to be raised, or which the Act or these regulations state must be discussed, shall be discussed.
7. The director may be assisted during meetings by one or more persons employed in the service department.
8. The discussion meetings shall be chaired by the chairman of the service council.
9. The agenda of each discussion meeting shall contain all the matters of which the director and the service council gave notice prior to the discussion meeting in question.
10. The chairman shall adjourn any discussion meeting if the director or the service council desire that a particular matter be dealt with in private.

11. The secretary of the service council shall draw up a report of each discussion meeting.
12. Unless the director or any member of the service council submits a reasoned objection to the report within one week of its being sent, the secretary will publish the report for the director and for members of staff, with due regard for Article 30, paragraph 2.
13. If an objection as referred to in the foregoing paragraph is made, the secretary shall publish the report only after the service council has taken a decision about the report after consulting with the director.

Article 31 Public nature of discussion meetings

1. The discussion meetings are open to the public, unless the nature of the matter being discussed is such that, in the view of the director or the service council, it should be held in closed session. Any decision to hold a meeting in closed session must be taken in advance, and the reasons must be given.
2. A confidential report shall be made of closed-session discussion meetings, or the closed-session parts thereof.

Chapter VIII Final provisions

Article 32 Gaps

The service council and the director shall agree on a provision for situations not provided for in these regulations.

Article 33 Amendments to these regulations

The board may amend these regulations. Amendments shall be made only with the consent of the service council.

Article 34 Reference title

These regulations may be cited as the **<NAME OF SERVICE DEPARTMENT>** Service Council Regulations

Explanatory notes to Article 7, paragraph 1 of the Service Council Regulations

A measure about which there is a duty to advise, as meant by Article 7, paragraph 1, shall be deemed to exist if:

- the proposed measure has consequences for anyone employed in the service department, and
- the proposed measure has a general effect (that is, it is not aimed at any specific individuals or groups), and
- the proposed measure is sufficiently viable to be implemented.

The duty on the service council to advise shall relate in any case to:

- ⇒ the application of the assessment and annual performance appraisal instruments;
- ⇒ the policy on training;
- ⇒ the policy on appointments, dismissals and promotions;
- ⇒ the system of remuneration;
- ⇒ working hours and holiday regulations;
- ⇒ occupational health, safety, and environmental care (including the emergency response system);
- ⇒ the policy of sickness-related absenteeism;
- ⇒ regulations for work discussions;
- ⇒ reorganisations (see Article 9.1 of the cao NU);
- ⇒ other major organisational changes;
- ⇒ the policy on buildings and premises;
- ⇒ major purchases of equipment, material and tools;
- ⇒ task allocation models and financial distribution models;
- ⇒ rules on timekeeping and the passing on of charges;
- ⇒ rules for canvassing;
- ⇒ the purchasing policy.