

FACULTY ELECTION REGULATIONS GUIDELINE

Adopted on 30 August 2006

Amended by the Executive Board on 22 November 2011, following the assent of the University Council on 7 November 2011.

Amended by the Executive Board on 15 November and 20 December 2016, with the assent (and at the suggestion) of the University Council on 12 December 2016.

Amended by the Executive Board on 3 November 2020, with the assent of the University Council on 7 December 2020.

Please note: These guidelines do not apply to the Faculty of Medicine. The Executive Board drew up a separate guideline, 'Faculty of Medicine Student Council Election Regulations', on 2 September 2014, following the University Council's assent on 2 September 2014 and the approval of the Minister of Education, Culture and Science on 18 December 2014, in response to the reorganisation of the participation bodies that went into effect on 1 January 2015. The staff of the Faculty of Medicine is represented by the UMCU Works Council, which has a permanent Education and Research Committee with additional members chosen from and by employees with a background in the fields of academic education and research.

From: Higher Education and Research Act (WHW)

Article 9.5. Guideline for Deans

The Executive Board may adopt guidelines to organise and coordinate the implementation of the authorisations stipulated in Articles 9.14, third section and 9.15, first section.

Article 9.14 General Duties and Authorisations of Deans

[...]

3. Without prejudice to the provisions in Article 9.5, the Dean shall draw up the Faculty Regulations for the further management and organisation of the faculty.

[...]

Article 9.38b Faculty Regulations

The Faculty Regulations must at least provide for the issues stipulated in Article 9.34, third section [...] *d* [...].

Article 9.34 University Council Regulations

[...]

3. The regulations must at least provide for:

d. the method and organisation for the election of the members of the council

[...]

FACULTY COUNCIL ELECTION REGULATIONS

Adopted by the Executive Board on 19 January 2021

Faculty of Social and Behavioural Sciences

**Appendix to the Faculty Regulations, most recently adopted on 19 January 2021
and effective as of 19 January 2021**

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From: Higher Education and Research Act (WHW) Article 9.37

Faculty Council

1. In the event that a university is home to more than one faculty, then a faculty council must be affiliated with each faculty.

[...]

3. Article 9.31, second to sixth sections, shall apply accordingly.

Article 9.31 University Council

[...]

2. The council shall have a maximum of twenty-four members.
3. Half of the members shall consist of representatives chosen from among the employees, and the other half shall consist of representatives chosen from among the student body.
4. Individuals who are members of the Executive Board, the Supervisory Board or charged with the position of dean of a faculty, may not also be members of the council.
5. Candidates for elections for the part of the council chosen by employees may be nominated by individual employees or organisations of employees.
6. The election of the members of the council shall be by secret ballot in writing. An election for part of the council shall only be held if the number of candidates for the delegation is greater than the number of seats available for that delegation.

[...]

SECTION 1 - GENERAL

Article 1 Definitions

These regulations define the following terms as:

Employees:

- The academic staff employed by the university in the job family Education and Research in the job classification system,
- all of the persons employed by the university who do not belong to the category 'academic staff' (support and management staff), with the exception of student assistants enrolled as students, currently working at the faculty.

Employee organisation:

'a staff organisation as intended in the Collective Labour Agreement for Dutch Universities as well as an association that is a member of this type of employee organisation, and which includes staff of the university in its membership.

Student:

An individual who

- (i) is registered as a student at Utrecht University for a Bachelor's or Master's degree programme as stipulated in Article 7.3a, section 1, and who is attending a study programme at the faculty in accordance with registration in the OSIRIS database; or
- (ii) receives financial support from Utrecht University on grounds of Art. 7.51e WHW (tuition-free administrator without registration) and who satisfied the requirement stipulated in (i) above immediately prior to receiving said financial support.

Employee delegation:

the part of the council elected by the employees and scholarship PhD candidates. Student delegation:

the part of the council elected by and from the student population. Council: the Faculty Council.

Cut-off date:

the date chosen by the Central Voting Bureau each year as the date for designating eligible voters.

Session: the council's annual meeting period, which begins on 1 September and ends on 31 August.

Scholarship PhD candidates:

Contract PhD candidates who are preparing their dissertation at the faculty with an external stipend¹ and who:

- are affiliated with the university for a period of more than two years; and
- who perform activities at the university in the context of a PhD programme, without an employment contract at the university; and
- who do not have an employment contract with another employer; and
- who are registered in the university's PhD record system; and
- if exercising passive voting right, has the permission of the external scholarship provider.

¹ VSNU definitions for types of PhD candidates: Category 2b: Scholarship PhD candidate with another / external scholarship provider. Scholarship provided by an organisation other than the university, as stipulated under (a) (...). Source: https://www.vsnul.nl/files/documenten/Feiten_en_Cijfers/Typering_promovendi_2019.pdf.

SECTION 2 - ELECTORAL COMMITTEE

Article 2 Duties

1. The Electoral Committee is charged with the preparation and implementation of the election.
2. The Electoral Committee shall make the decisions necessary to perform its tasks mandated by the dean.

Article 3 Composition

1. The Electoral Committee shall have three members, including the chairperson.
2. The members shall be appointed and dismissed by the dean, following consultation with the Faculty Council. The dean shall appoint the chairperson from among the committee members.
3. One member shall be appointed from among the faculty's student body.

SECTION 3 - VOTING RIGHTS

Article 4 Voting rights

1. Each employee and scholarship PhD candidate shall have active and passive voting rights for the election of the members of the employee delegation in the council.
2. Each student shall have active and passive voting rights for the election of the members of the student representation in the council.

Article 5 Electoral rolls

1. The Electoral Committee shall draw up an electoral roll for each delegation within five working days of the cut-off date for the election. Based on the situation on the cut-off date, the electoral rolls shall list at least (i) the name and initials of each eligible voter as registered in the university administrative systems, and (ii) the unique user name assigned to the eligible voter by the university.
2. The electoral rolls shall be posted for viewing immediately after adoption at a place chosen by the Electoral Committee, until the end of the nomination period.
3. In the conduct of its duties or upon request of an eligible voter, the Electoral Committee shall make changes it considers necessary for the proper implementation of the law in these regulations.
A request may only be submitted to the Electoral Committee before the end of the nomination period.

SECTION 4- NOMINATION OF CANDIDATES

Article 6 Nomination period and location

1. The Electoral Committee shall determine and announce the nomination period and location at least six weeks prior to the start of this period.
2. Candidates shall be nominated via lists, using a template drawn up by the Electoral Committee. Lists will be submitted for each delegation.

Article 7 Nomination format

1. A list of candidates must be numbered, and include no more than 30 candidates. The list of candidates may be submitted under a name using no more than 40 characters.
2. A list of candidates must be submitted in writing, with the support of the signatures of at least 20 eligible voters for the relevant delegation. Each eligible voter may sign only one list of candidates. A list of candidates may not be signed by the candidates appearing on the list.
3. In supplement to the provision in section 2, a List of Candidates for the employee delegation may be submitted by employee organisations without supporting signatures as referred to in section 2.
4. An eligible voter may only volunteer as a candidate for a single seat. Each candidate must submit an irrevocable written statement of assent to the nomination together with the nomination list. A scholarship PhD candidate who volunteers as a candidate must also provide proof of the PhD programme's external financier's assent together with the nomination list.
5. Each candidate and supporting eligible voter as stipulated in section 2 must provide at least the personal details stipulated in Article 5, section 1.

Article 8 Determining candidate eligibility

1. The Electoral Committee shall investigate the nominations for compliance with the requirements stipulated in these regulations. The committee shall inform the persons submitting the nominations of any areas of non-compliance at the first possible opportunity.
2. Non-compliance with the requirements stipulated in Article 7 may be corrected by providing the Electoral Committee with the missing documents for the nomination within three days of the notification referred to in section 1. Correction of compliance issues may not result in the nomination of a new candidate or the submission of a new list of candidates.
3. Following the correction period referred to in section 2, the Electoral Committee shall decide on the eligibility of the candidates in a public meeting.

SECTION 5 - VOTING

Article 9 Election format and period

1. The election shall be held during a period determined by the Electoral Committee.
2. Voting shall occur electronically using a program in which the voter can view the data pertaining to the seats and candidates.

Article 10 Publishing appeals to vote

The Electoral Committee shall send each voter an appeal to vote and instructions on how to cast a vote in a timely manner. The Electoral Committee shall publish information about the lists of candidates via the appropriate channels in a timely manner.

SECTION 6 - DETERMINING RESULTS

Article 11 Determining valid votes

Upon the conclusion of the election period, the Electoral Committee shall determine the number of valid votes cast per candidate and list of candidates.

Article 12 Allocating seats to lists

1. The Electoral Committee shall determine the electoral quotient for a delegation by dividing the sum of the votes cast by the number of seats for the delegation.
2. Each list of candidates shall receive as many seats as determined by the electoral quotient based on the number of votes cast for that list. A list of candidates may not receive more seats than there are candidates available.
3. Seats not allocated in the manner stipulated in section 2 (residual seats) will subsequently be allocated to the list that received the greatest number of votes per allocated seat. In the event that two or more lists received the same average, then the residual seat shall be allocated by choosing lots. A list of candidates that receives less than two-thirds of the electoral quotient of votes shall not receive a residual seat.

Article 13 Calling elections and ranking candidates

1. To assign the seats allocated to each list, those candidates on the list who have obtained a number of votes at least equal to two-thirds of the electoral quotient shall be chosen in the order of the number of votes they have received.
2. If seats allocated to a list cannot be assigned in the manner stipulated in section 1, then the remaining seats shall be allocated to the candidates in the order of their placement on the list.
3. The Electoral Committee shall first rank the candidates certified as elected in accordance with the order stipulated in sections 1 and 2 of this Article 13. The Electoral Committee shall then rank the candidates on the list who were not elected, in accordance to their order on the list of candidates.

Article 14 Election results meeting

The Electoral Committee shall determine the result of the election within two working days of the conclusion of the voting period, and shall report on these results in a public meeting.

SECTION 7 - OPENINGS

Article 15 Filling openings mid-term

1. In the event that a seat becomes vacant in the middle of a term, the Electoral Committee shall appoint the member's successor by selecting the candidate with the highest ranked position on the list who is not currently a member of the council.
2. In the event that the list referred to in section 1 does not include an available candidate, then the opening will be filled by the candidate ranked highest on the list that received the highest average number of votes for the delegation, in accordance with Article 12, section 3.
3. In the event that the list referred to in section 2 does not include an available candidate, then the Electoral Committee shall organise a by-election for the open seat if:
 - a. the opening is or a seat in the employee delegation; and
 - b. the President of the Faculty Council has notified the Electoral Committee of the mid-term opening prior to the date of the announcement of the nomination period and location as referred to in Article 6.

By-elections may only be held concurrently with the annual student delegation elections, and in accordance with the provisions of these regulations. The term for the candidate chosen in the by-election shall end simultaneously with those of the candidates elected via the standard procedure.

SECTION 8 - FINAL PROVISIONS AND TRANSITIONAL PROVISIONS

Article 16

Any matters not addressed by these regulations will be decided upon by the Electoral Committee.

UPDATES TO THE FACULTY ELECTION REGULATIONS GUIDELINE

1. SCHOLARSHIP PHD CANDIDATES

On 15 March 2016, the Executive Board decided, based on the circumstances applicable at that time, not to grant PhD candidates without the status of employee or student any formal active or passive voting rights. On 12 April 2016 the President discussed this decision with the University Council's SPO Committee. The decision raised further questions among the members of the committee. The President of the Board agreed to discuss the decision in the Executive Board at a later date.

Upon further consideration, the Executive Board decided to grant formal voting rights to the following limited group of PhD students:

Contract PhD candidates who are preparing their dissertation with an external stipend and who:

- (i) are affiliated with the university for a period of more than two years; and
- (ii) who perform activities at the university in the context of a PhD programme, without an employment contract at the university; and
- (iii) who do not have an employment contract with another employer; and
- (iv) who are registered in the university's PhD record system; and
- (v) if exercising passive voting right, has the permission of the external scholarship provider.

The main purpose of these limits was to describe the unique relationship that this group of individuals has with the university, which justifies this group having voting rights.

The choice was made to include this group in the councils' employee delegations. The work and interests of scholarship PhD candidates are more similar to those of PhD candidates with employment contracts than those of students. They mainly have contact with university employees and other PhD candidates, and not students. Both the student and employee delegations also have their own legal authorisations and regulations, in addition to the authorisations exercised by the joint council. The authorisations specific to the student delegation primarily involve issues pertinent to the students' status, such as the right to advise on policy for the institution's tuition fees or the regulations for repayment of legal tuition.

The employee delegation has a specific authorisation to consult with the board on the implementation of working conditions policy (Art. 11 UC Regulations), parts of which may also be relevant to this limited group of scholarship PhD candidates.

2 ELECTION THRESHOLDS

In follow-up to the election of 2015, the Executive Board reconsidered the election thresholds in the election regulations. A feedback group was formed with representatives from the various participation bodies at the university and faculty levels. In consultation with the University Council, the Executive Board decided to lower the election threshold to 2/3 of the electoral quotient.

3. EVALUATION OF ELECTIONS BY CEB / PRIVACY

The Central Election Bureau evaluated the elections of 2015 at the end of that year. The resulting recommendations for amendments to the election regulations have been included in the attached proposals. These amendments are largely technical in nature, and for example involve a refinement of several definitions, changes to the date for determining electoral rolls, and a revision of the data to be recorded based on the General Data Protection Regulations.

4. OTHER

In addition to a number of technical and textual changes, the other amendments involve:

4.1 Electoral districts with a seat

[1] VSNU definitions for types of PhD candidates: Category B: PhD candidates not employed by the university, sub-category 3b scholarship provided by an organisation other than the university.

Several faculties feature electoral districts with only one seat. The original Guideline had not provided for this option, and the omission has been corrected in the latest version. The single seat is allocated to the list that obtained the most votes, specifically to the individual who received the most votes in the list. In the event that two persons receive the same number of votes, then their placement on the list shall be the deciding factor. This method satisfies the spirit of the Elections Act, which provides for the option of changing the list order based on preferential votes.

4.2 Voting rights for students of multiple study programmes

The proposal clarifies that students enrolled in multiple study programmes also have active and passive voting rights at multiple faculties.

4.3 More options for filling openings in a district system

At the University Council's initiative, in 2014 the qualification system in the University Council election regulations was relaxed to make it easier to fill (mid-term) openings. This option is now also available to faculties that use a district system. In short, this option entails that when a seat becomes available, but there are no candidates available on the lists for the seat's district, then available candidates from outside the district may fill the opening. This may contribute to limiting the number of openings and by-elections.