



PARTICIPATION REGULATIONS

Design Academy Eindhoven

30 October 2020, version 1.0

The Participation Regulations were proposed to the Works Council, the Student Council and the Bachelor Course Committee by the Executive Board, in accordance with Article 10.21 of the Higher Education and Research Act (hereinafter WHW). Thereafter, the regulations

received consent from the Works Council on October 27, 2020, from the Student Council on October 30, 2020 and from the Bachelor Course Committee on October 27, 2020, after which the regulations were adopted by the Executive Board on November 3, 2020.

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PREFACE

Participation means that, through the Participation Council and the course committees, students and staff are able to exercise influence on the policy of their university of applied sciences and on strategic policy concerning the organisation of the university of applied sciences, as well as with regard to working conditions and employment relations. This can refer to proposed decisions that are subject to a right of consent or a right to prior consultation, as well as to matters of general concern about which the Participation Council must be informed.

It thus entails contributing to the decision-making process with regard to important developments and the institution's policy. It also entails providing both solicited and unsolicited advice to the management. These working procedures concerning pro-active influence are based primarily on the principles of mutual trust and openness.

A structure and culture of participation that exclusively entails the approval or rejection of decisions is insufficient if both sides are not willing to conduct a 'real' discussion concerning the content of such decisions.

The formal structure of participation within Design Academy Eindhoven (DAE) as intended in Article 10.21 of the WHW is established in the *Participation Regulations of Design Academy Eindhoven*.

As administrator, the Executive Board constitutes the competent authority (for policy preparation and decision-making), with the Institutional Participation Council (IPC) and Course Committees (CCs) exercising their right to participation (right of consent and right to prior consultation). This is more than a statutory duty. Even outside of the legal frameworks, the IPC and the CCs serve as a constructive and critical conversational partner for the Executive Board in the implementation of integral policy.

The provisions of the DAE Institutional Participation Council regulations and the regulations of the DAE course committees are legally valid only if and to the extent that they are not in conflict with the provisions required by or pursuant to the Higher Education and Research Act (abbreviated in Dutch to WHW).

The Institutional Participation Council (IPC) can exercise influence on strategic policy relating to the organisation of the academy, working (and other) conditions and employment relations. This can refer to proposed decisions that are subject to a right of consent or a right to prior consultation, as well as to matters of general concern about which the Participation Council must be informed.

Relationship between the IPC and the CCs: The IPC and the CCs together constitute the participation structure within DAE. The CC concentrates on providing advice on how to improve and safeguard the quality of the specific course. Like the IPC, it has a right to prior consultation and a right to consent.

Relationship to the Student Council (SC): The Student Council is an informal advisory student body for DAE. The SC providing both solicited and unsolicited advice to the Executive Board on various matters, such as a.o. student well-being and the student climate at DAE. Unlike the CCs and the IPC, the SC is not a formal consultative body, and it therefore has no formal right to prior consultation or right of consent as referred to in Article 10.21 of the WHW.

The SC exists alongside the CCs and the student segment of the IPC. As one of the SC members will be a student member of the IPC, coordination is ensured between the SC and the IPC.

The following are included in this document:

- The Regulations for the Institutional Participation Council (IPC) of Design Academy Eindhoven (Section II)
- The Regulations for the Course Committees (CCs) of Design Academy Eindhoven (Section III)
- The Statutes of the Student Council (SC), which is the student advisory body of Design Academy Eindhoven (Section IV)

SECTION I

DEFINITIONS

Article 1 – Definitions

In these Participation Regulations and the regulations that are based on them, the following concepts are to be understood as:

Management Regulations	The document that describes the administrative relationships between the administrative process, the primary process and the facilitative process.
BCC	The Bachelor's Course Committee (BCC) is the Course Committee for the Bachelor's programme in Design).
CAO-HBO	The collective employment agreement for higher professional education.
Dispute-resolution Committee	The committee for resolving disputes, as referred to in Article 10.26 of the WHW.
Executive Board	The Executive Board is the managing administrative body of DAE, described as such in the statutes and in the WHW.
DAE	The DESIGN ACADEMY EINDHOVEN Foundation
Segment	The student segment or the staff segment.
Internal Regulations	The regulations of the IPC for matters of internal importance
Institutional Plan	The document that describes the content and specification of the proposed policy of DAE, which includes all resolutions relating to promoting the quality of education and strengthening the implementation of the programmes.
Voters	Enrolled students, staff members and lecturers.
MCC	The Master's Course Committee (MCC) is the Course Committee for the Master's programme in Design).
Participation Council	The Institutional Participation Council (IPC) of Design Academy Eindhoven.
Participation Regulations	The Participation Regulations within the meaning of Article 10.21(1) of the WHW.
Course Programme	A coherent whole of educational units aimed at the realisation of well-defined objectives concerning the knowledge, understanding and skills that an individual should possess upon completion of the (BA or MA) programme, as referred to in Article 7.3(2) of the WHW.
Course Committee (CC)	A committee for related programmes within an institute, as referred to in Article 10.3c of the WHW. There are two CCs within DAE—the Bachelor's Course Committee (BCC; for the Bachelor's programme in Design) and the Master's Course Committee (MCC; for the Master's programme in Design).
Staff	All individuals who are employed by the organisation, based on the CAO-HBO and an employment contract with DAE.
Staff member	An employee working for the organisation, based on the CAO-HBO and an employment contract with DAE.
Supervisory Board	The supervisory administrative body of DAE, described as such in the statutes and in the WHW.
SC	The Student Council (SC) is the student advisory body of DAE.
Student	An individual who is enrolled as a student in a course programme in accordance with Article 7.32 et seq. of the WHW.
Observer	Any enrolled student, staff member or lecturer who—where provided as such—has been granted the opportunity to attend a meeting. An observer is only an observer and has no right to speak.

WHW/The Act	The Higher Education and Research Act (abbreviated in Dutch to WHW), as published in <i>Staatsblad</i> 1992, nr. 593, including any later supplements and/or amendments.
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SECTION II

THE REGULATIONS FOR THE INSTITUTIONAL PARTICIPATION COUNCIL (IPC)

§ 1 *IPC in General*

Article 2.1 – Institutional Participation Council (IPC)

The University of Applied Sciences Design Academy Eindhoven holds one IPC.

Article 2.2 – Composition of the Institutional Participation Council

1. The IPC shall consist of no more than eight members.
2. The members of the IPC shall include up to four who have been elected from amongst and by the staff, and up to four who have been elected from amongst and by the students.
3. The staff segment shall comprise representatives from the teaching and support staff. It is characterised by proportionality, meaning that the members are to be elected proportionately from the various organisational units.
4. The student segment shall comprise representatives of the Bachelor's and Master's course programmes, including one member of the SC.
5. Members of the Executive Board or the Management Team cannot simultaneously serve as members of the IPC.
6. The IPC executive committee shall consist of the chair, the vice-chair and the administrative secretary.

Article 2.3 – Chair of the IPC

1. The IPC shall select one chair and one vice-chair from amongst its members.
2. The chair (or vice-chair, in case of absence) shall be the legal representative of the IPC.

Article 2.4 – Membership and Term of IPC members

1. Membership of the IPC is based on election.
2. The election of IPC members shall be organised under the responsibility of the IPC.
3. Elections are to be held every two years, or sooner, if there is cause.
4. Members of the IPC are appointed for terms of two years.
5. All IPC members are to resign simultaneously at the end of the two-year term.
6. Resigning members may be re-elected to a consecutive term no more than once. The maximum consecutive term for IPC members shall be four years.
7. After an interim period of two years, a former member may once again be elected to the IPC for a maximum of two terms.
8. Members resigning at the end of a term of office are to retain their membership until and at such time as the outcome of new elections has been established.
9. Membership shall end:
 - a. At the end of the term of office
 - b. Upon written termination of membership by the member;
 - c. Upon leaving the segment from which the member was elected (e.g. a student is no longer enrolled as a student at DAE or a staff member is no longer employed as a staff member at DAE);
 - d. Upon appointment to a position within DAE that is incompatible with IPC membership.

- e. Due to transition to a course programme other than that for which a member was elected.
- f. If the majority (two thirds) of the other members of the IPC deem that a member is unable to fulfil the obligations emerging from membership and/or if that member acts in a manner that is in conflict with the content and intentions of these regulations, other internal regulations of DAE or the law. It must be decided by the IPC to terminate the term of office on this basis. The IPC shall provide the member in question with written notification that the membership has been terminated, including a statement of reason.

Article 2.5 – Legal protection of IPC members

- 1. With regard to the IPC, the Executive Board shall ensure that the members of the IPC are not disadvantaged in their positions in relation to DAE as a result of their membership in the IPC. The first clause is applicable by analogy to candidate members and former members.
- 2. The termination of the employment contract of a DAE staff member other than at the request of that staff member must not be related to the staff member’s candidacy for IPC membership, current IPC membership or former IPC membership. Any termination of the employment contract that is in conflict with the provisions of this article shall be declared null and void.

§ 2 General Duties and Powers of the Institutional Participation Council

Article 2.6 – General duties of the IPC

- 1. To the best of its ability, the IPC shall promote openness, public access and mutual consultation within DAE.
- 2. The IPC shall guard against discrimination on any grounds whatsoever within DAE.

Article 2.7 – General powers of the IPC

- 1. The IPC shall be authorised to make proposals and make its standpoints known to the Executive Board for all matters relating to DAE.
- 2. The Executive Board shall issue a reaction to any proposal as referred to in the first clause within three months, in the form of a written proposal, accompanied by reasons.
Before issuing a reaction as referred to in the previous clause, the Executive Board shall provide the IPC with at least one opportunity for consultation with the Executive Board concerning its proposal.

Article 2.8 – Internal affairs of the IPC

The IPC shall compile regulations for matters of an internal character—the Internal Regulations.

Article 2.9 – Confidentiality of the IPC

- 1. The members of the IPC shall be bound to confidentiality with regard to all matters observed in that capacity and with regard to which the Executive Board shall impose an obligation of confidentiality or for which the members of the IPC should be expected to understand their confidential character.
- 2. Whenever possible, the Executive Board shall announce to the IPC its intention to impose an obligation of confidentiality prior to addressing the matters to be subject to such confidentiality.
- 3. Any time that an obligation of confidentiality is imposed, it shall be announced which information to be provided orally or in writing is to be covered by the obligation of confidentiality and how long such confidentiality is to last, as well as any persons who will not be bound to the obligation of confidentiality.
- 4. Confidential minutes (or partial minutes) will be made of any closed meeting (or part thereof). The chair shall determine the phrasing in which any decision that has been made in a closed meeting (or part thereof) is to be made public, unless an obligation of confidentiality has been imposed by the Executive Board.

5. By majority vote, the members of the IPC may also make a mutual agreement to maintain confidentiality.
6. The obligation to confidentiality does not expire upon termination of IPC membership, neither does it expire upon termination of a member's relationship with DAE.
7. If the personal interest of a member of the IPC is particularly at issue in a given meeting or part thereof, the IPC may determine that the member should not participate in that meeting (or part thereof). In doing so, the IPC shall also determine that the matter in question is to be handled in a closed meeting.
8. In case of doubt concerning the reasonableness of imposing an obligation of confidentiality in a specific case, the IPC may appeal to the Dispute-resolution Committee within the meaning of Article 10.26 (1) of the WHW and Article 2.33 of these Participation Regulations, with which DAE is affiliated.

Article 2.10 – Conflicts of interest within the IPC

If the personal interest of a member of the IPC is particularly at issue in a given meeting or a part thereof, the IPC may determine that the member should not participate in that meeting (or that part of the meeting). In doing so, the IPC shall also determine that the matter in question is to be handled in a closed meeting.

Article 2.11 – Openness of the IPC

1. The meetings of the IPC with the Executive Board shall be open to observers (see the definition, p.5 'Definitions'), unless the discussion is to concern individual persons or unless the topics to be discussed during the session or the information relating to it constitute cause for the exclusion of observers, as determined by at least one third of the members participating in the session. An observer may only observe, meaning that an observer shall have no right to speak.
2. The IPC shall ensure that the Internal Regulations, agendas and minutes of the meetings are sent to the Executive Board and subsequently posted on the intranet for review.
3. The minutes of meetings between the Executive Board and the IPC are to be adopted jointly. As soon as possible after every meeting of the IPC, the secretary of the IPC shall prepare the minutes and send them to the members in draft form. The members shall have the opportunity to lodge an objection to the content of the minutes, accompanied by supporting argumentation. The IPC shall decide on the contents of the minutes and adopt them at the next meeting.
4. External communication concerning matters relating to Participation is to be done in a professional manner, based on mutual respect, including during the emergence and possible continuation of a difference of opinion.

§ 3 Special Duties and Powers of the Institutional Participation Council

Article 2.12 – Information facilities of the IPC

1. The Executive Board shall provide to the IPC all information—solicited or unsolicited—that the IPC reasonably needs in order to fulfil its duties (Article 10.23 of the WHW). To this end, such information shall in any case include at least yearly information on the level and content of the employment conditions and agreements for each group of people working at DAE.
2. At the beginning of the academic year, the Executive Board shall provide the IPC with basic information in writing concerning the composition of the Executive Board, the Supervisory Board, DAE's organisational structure, the distribution of duties within the Executive Board and the main points of established policy (in the form of the annual report).
3. At least once each year, the Executive Board shall notify the IPC in writing concerning the policy applied by the Executive Board in the past year (annual report) and its policy intentions for the coming year with regard to the financial and educational aspects of DAE, taking into account the development

of the activity plans and/or the associated progress reports.

4. The Executive Board shall notify the IPC immediately of any intentions concerning the matters described in the Institutional Plan as referred to in Article 10.20(a) of the WHW.

Article 2.13 – IPC Right to prior consultation

1. Without prejudice to Article 10.20 of the WHW and Section 2.14 of these Participation Regulations, the Executive Board shall request advance recommendations from the IPC concerning any decision to be taken by the Executive Board with regard to:
 - a. matters concerning the objectives and continued existence of DAE, as well as the proper course of affairs within DAE;
 - b. the budget, including the level of institutional tuition, the amount of which is to be determined by the Executive Board.
2. The recommendations are to be requested within a timeframe that will ensure that the recommendations can have a true influence on the decision-making process.
3. The IPC shall be provided with the opportunity to consult with the Executive Board before issuing its recommendations.
4. The IPC shall issue its recommendations in writing to the Executive Board within 20 days after receipt of a request to this end. Otherwise, the Executive Board may proceed with implementation. Following consultation with the IPC, the Executive Board may extend this term by 10 days.
5. The IPC shall be notified in writing as soon as possible, and at least within 20 days, concerning the action to be taken on the recommendations that have been issued.
6. If the Executive Board does not intend to follow the recommendations or any part thereof, the IPC shall be provided with the opportunity to consult with the Executive Board before the decision is finalised.
7. If the Executive Board takes a decision that is in whole or in part contrary to a recommendation of the IPC based on the first point in this section, the IPC may submit this matter to the Dispute-resolution Committee in accordance with Article 2.33 of these Participation Regulations.

Article 2.14 – IPC Right of consent

1. The Executive Board requires the prior consent of the IPC for any decision to be taken by the Executive Board concerning the adoption or amendment of:
 - a. the Institutional Plan;
 - b. the design of the quality-assurance system in accordance with Article 1.18 (1) of the WHW, as well as the intended policy in response to the quality assessment referred to in Article 2.9 (2) of the WHW;
 - c. the Student Charter;
 - d. the Management Regulations;
 - e. the Participation Regulations;
 - f. the Education and Examination Regulations (EER) as referred to in Article 7.13 of the WHW, specified in the second clause, under a, f, h through u and x, and the requirements referred to in Articles 7.28 (4 and 5) and 7.30b (2);
 - g. rules relating to working conditions;
 - h. the policy of the Executive Board in the application of Article 7.51 of the WHW concerning the profiling fund;
 - i. the choice of Participation systems, as referred to in 10.16a (1) of the WHW;
 - j. a decision to merge, as referred to in Article 16.16 of the WHW;
 - k. the main points of the annual budget, at least paying attention to the intended distribution of funds across the policy domains of education, research, accommodations and management, investments and staff;
 - l. the decision to offer a programme abroad;

- m. the expenditure of the annual budget for the study advance funds.
- 2. With regard to (h) in the previous clause, the part of the IPC that is elected from amongst and by the staff shall have exclusive jurisdiction.
- 3. The IPC shall decide whether to grant or withhold consent, and it shall notify the Executive Board of this decision in writing within 20 days after receipt of a request from the Executive Board. Following consultation with the IPC, the Executive Board may extend this term by 10 days. If the IPC fails to issue a definitive answer concerning the decision to grant or withhold consent, the Executive Board may proceed with implementation.
- 4. If the IPC explicitly withholds consent, the provisions of Article 10.28 of the WHW shall apply by analogy.

Article 2.15 – Special powers of the IPC

- 1. If the IPC is of the opinion that, within DAE, a distinction is being made as referred to in the Equal Treatment Act, in Article 7:646 of the Civil Code or in the Equal Treatment (Men and Women) Act, the IPC shall be authorised to submit a request in writing to the Equal Treatment Committee, in accordance with Article 12 (1) of the Equal Treatment Act. Article 21 (2) of the Equal Treatment (Men and Women) Act shall apply by analogy.
- 2. The part of the IPC that is elected from amongst and by the staff shall have exclusive jurisdiction with regard to the working conditions assigned to the IPC pursuant to the Working Conditions Act and the order in council according to Article 16 of the Working Conditions Act.
- 3. The part of the IPC that is elected from amongst and by the staff shall have exclusive jurisdiction with regard to the working conditions within DAE.
- 4. The Executive Board requires the prior consent of the part of the IPC that is elected from amongst and by the staff for any decision to be taken by the Executive Board concerning matters of general interest to the special legal status of the staff.
- 5. If, pursuant to the fourth clause, the Executive Board requires the prior consent of the part of the IPC that is elected from amongst and by the staff for a decision to be taken, the part of the IPC that is elected from amongst and by students shall be given the opportunity to issue a recommendation concerning the decision.
- 6. The right of consent or the right to prior consultation in matters as referred to in the fourth and fifth clauses is not to be exercised for matters that have already been arranged for DAE in or pursuant to a legal prescription or a collective labour agreement.
- 7. The part of the IPC that is elected from amongst and by students shall be given the opportunity to issue recommendations concerning the topics arranged in Article 10.20a (2) of the WHW (rules adopted by the Executive Board with regard to study-choice activities and recommendations).
- 8. The IPC shall be given the opportunity to issue recommendations to the Supervisory Board concerning the profiles of the members of the Supervisory Board.
- 9. The IPC shall have the right of nomination for one of the members of the Supervisory Board. The nomination is to consist of at least two names.
- 10. The IPC shall be given the opportunity to issue recommendations to the Supervisory Board concerning the appointment profile, appointment, suspension and discharge of the chair of the Executive Board.
- 11. At least two members of the IPC—one student member and one staff member—shall be part of the application committee for a new chair or member of the Executive Board.

Article 2.16 – Consultation between the IPC and the Executive Board

- 1. At least twice each year, the Executive Board shall provide the IPC with the opportunity to discuss the general course of affairs within DAE.
- 2. A member of the Supervisory Board may be present as an observer in the consultation referred to in the first clause.

3. The Executive Board and the IPC shall convene as quickly as possible if such is requested, along with a statement of reasons, by the Executive Board, the IPC or the part of the IPC that is elected from amongst and by the staff or the part that is elected from amongst and by students.

Article 2.17 – Facilities and training for the IPC

1. After consultation with the IPC, the Executive Board shall determine the official, financial and legal facilities, as well as training, for the IPC and its members. The Executive Board shall inform the IPC each year with regard to these facilities.
2. The facilities specified in the first clause should be understood to include at least the following:
 - a. Time: Meetings are to be held within working hours whenever possible.
 - b. Compensation:
 - For student members: compensation based on the student fee.
 - For staff members: compensation of hours in the annual assignment, in accordance with the CAO-HBO/according to the recommendations of the VH, being 0.1 FTE for the IPC chair and 0.05 FTE for a member of the IPC.
 - c. Training:
 - The Executive Board shall provide the members of the IPC with the opportunity to spend two days each year receiving the training that the members of the IPC need in order to fulfil their duties.
 - Members from the staff segment shall be given the opportunity to receive the training during working hours, without loss of salary.
 - The Executive Board shall make a training budget available, which is to be adopted jointly with the IPC.
 - d. Support:
 - The Executive Board shall facilitate the official secretary for the IPC.
 - The secretary is not a member of the IPC, as referred to in Article 2.4 of the Participation Regulations.
 - The secretary shall be charged with convening the IPC, preparing the agenda and compiling the minutes of the meeting, in addition to conducting the exchange of post and email, and the management of documents addressed to and sent by the IPC. The secretary shall also arrange for the publication of reports (including annual reports).
 - If, in exceptional circumstances, it is reasonably necessary for the IPC to obtain external legal (or other) advice, the costs associated with such advice must be approved by the Executive Board in advance. In the absence of such approval, the judgement concerning the payment of such costs for the binding advice shall be submitted to the Dispute-resolution Committee as referred to in Article 2.33.

Article 2.18 – Annual Report of the IPC

1. Each year, the IPC shall prepare a written report of the activities of the IPC.
2. To this end, the IPC shall compile an annual report before the end of the first month of the new calendar year.
3. The annual report shall be made available for review on the intranet as soon as possible after it has been approved.

§ 4 Election of IPC Members

Article 2.19 – Organisation of elections for IPC members

The election of IPC members shall be organised under the responsibility of the IPC.

Article 2.20 – Active and passive voting rights for the IPC

1. Staff and students of DAE are eligible to vote, with the exception of unsalaried staff and exchange students.
2. Staff and students of DAE are eligible for election to IPC membership, with the exception of unsalaried staff and exchange students.

Article 2.21 – Setting the date for IPC elections

The date of the elections and the starting and ending times of voting shall be determined by the IPC, in consultation with the Executive Board. The IPC shall announce this information to the Executive Board, the staff and the students. This announcement must be made at least 13 weeks before the date on which the elections are to be held.

Article 2.22 – Nomination of candidates for the IPC

1. The nomination of candidates shall proceed through the submission of written notification of candidacy to the IPC at least four and no more than 13 weeks before the election date.
2. The IPC shall issue a dated confirmation of receipt.
3. As soon as possible, the IPC shall investigate whether the candidate meets the requirements of the Participation Regulations.
4. The IPC shall nullify any candidacy that fails to meet the requirements referred to in the previous clause and shall immediately announce this to the person in question, accompanied by a statement of the reasons. The candidate shall be given the opportunity to rectify any omissions within four working days.

Article 2.23 – List of candidates for the IPC

1. The IPC shall compile three lists of candidates—one for the staff, one for the students and one for the SC member. The names of the candidates shall appear on the candidate lists in alphabetical order. In addition to each candidate's name, the list shall indicate the position that each candidate holds within DAE or the programme in which the candidate is enrolled.
2. The list of candidates must include at least one member of the SC. Members of the PC are not excluded from candidacy for the IPC.
3. The IPC shall announce the lists of candidates to the Executive Board, the staff and the students at least two weeks before the election date.

Article 2.24 – No IPC elections

1. If the number of staff candidates does not exceed the number of IPC seats to be filled by staff members, no election will be held for the staff segment, and the candidates will be regarded as having been elected, with due consideration for proportionality, as specified in Article 2.2.3.
2. If the number of staff candidates is less than the number of IPC seats to be filled by staff members, the remaining staff seats will remain unfilled in the subsequent term of office.
3. If the number of student candidates does not exceed the number of IPC seats to be filled by students, no election will be held for the students, and the candidates will be regarded as having been elected.
4. If the number of student candidates is less than the number of IPC seats to be filled by students, the remaining student seats will remain unfilled in the subsequent term of office.

Article 2.25 – Voting for the IPC

1. The election of IPC members shall take place by secret ballot.
2. Each eligible voter may cast one vote for the IPC.
3. Each eligible voter may complete ballots for up to two other eligible voters, provided the other

voters have granted authorisation in writing.

Article 2.26 – Electronic voting for the IPC

1. Notwithstanding Article 2.25 (1 and 3) and Article 2.27 (2) of these Regulations, the election may also take place by electronic voting.
2. In consultation with Executive Board, the IPC shall determine in a timely manner whether the elections are to take place in writing or electronically.
3. During the period in which the electronic elections are taking place, each eligible voter shall cast a vote through the DAE network, at the site to which the electronic IPC election has been posted.
4. Eligible voters must always cast their own votes, and they may not authorise third parties to do this for them.

Article 2.27 – Establishment and announcement of the results of voting for the IPC

1. After the end of the voting, the IPC shall establish the number of valid votes that have been cast for each candidate.
2. The following ballots shall be regarded as invalid:
 - a. ballots that have not been certified by or on behalf of the IPC;
 - b. ballots on which the eligible voter's choice is not clear;
 - c. ballots on which more than one vote has been cast for the IPC;
 - d. ballots containing notes other than the indication of the selected candidates.
3. Candidates shall be elected in sequential order, beginning with the candidate who has received the highest number of votes. For the last seat to be filled, if multiple candidates have received the same number of votes, the winner shall be determined by lot.
4. The outcome of the election shall be finalised by the IPC and announced in full to the Executive Board, the staff and the students.
5. The IPC shall retain the used ballots in a closed envelope for at least three months. If the elections have taken place by electronic voting, the IPC shall retain a written transcript of the electronic voting in a closed envelope for at least three months.

Article 2.28 – Interim vacancies in the IPC

1. An interim vacancy in the IPC occurs upon termination of the membership of the member occupying a seat, as referred to in Article 2.4 (9).
2. In case of an interim vacancy in the IPC, the IPC shall designate as the successor to the member in question the next eligible candidate, according to the outcome of the most recent election. If multiple candidates for the vacancy have received the same number of votes, the winner shall be determined by lot.
3. The designation of the successor shall occur within one month after the vacancy has occurred.
4. In the absence of a successor as referred to in the first clause of this Article, the vacancy shall not be filled.
5. If the IPC consists of fewer than four (4) individuals (in accordance with the provisions of Articles 2.2.3 and 2.2.4), new elections shall be announced.

Article 2.30 – Expedited electoral procedure for the IPC

1. In the case of interim elections, it shall be possible to follow an expedited election procedure.
2. The date on which the IPC announces to the Executive Board, the staff and the students that interim elections are to be held must be at least three weeks before the date on which the elections are held.
3. The nomination of candidates for the IPC shall proceed through the submission of written notification of candidacy to the IPC at least one and no more than three weeks before the election date.

4. The IPC shall announce the lists of candidates to the Executive Board, the staff and the students at least three days before the election date.

Article 2.31 – Objections

1. Any stakeholder may lodge an objection with the IPC concerning a decision of the IPC relating to the matters addressed in this section.
2. The IPC shall notify the Executive Board of the objection.
3. The IPC shall reach a decision and take any necessary measures as soon as possible.

§ 5 IPC Dispute-resolution Regulations

Article 2.32 – Pursuit of consensus

The Executive Board and the IPC shall make every effort to resolve disputes by consultation, in accordance with the principles and objectives of the Participation structure within DAE. Consultation to this end shall take place at the most appropriate level.

Article 2.33 – Dispute-resolution Committee

DAE is affiliated with a dispute-resolution committee within the meaning of Article 10.26 (1) of the WHW—the National Dispute-resolution Committee for Participation in Education. The Executive Board shall notify the IPC of the address at which this dispute-resolution committee is located.

Article 2.34 – Competence of the Executive Board

The Executive Board may submit a dispute to the Dispute-resolution Committee:

- a. if the Executive Board has not obtained the required consent with regard to a prospective decision requiring consent pursuant to Articles 10.20 and 10.22(a) of the WHW and the Executive Board wishes to maintain its proposal;
- b. if the Executive Board has not obtained the required full or partial consent with regard to the content of Section II of the Participation Regulations, as stated in Article 10.22 of the WHW; or
- c. if the Executive Board and the IPC disagree on the interpretation of the provisions of or pursuant to Section 10 (3) of the WHW or the provisions of Section II of the Participation Regulations.

Article 2.35 – Competence of the Institutional Participation Council

The IPC may submit a dispute to the Dispute-resolution Committee:

- a. if the Executive Board has taken a decision on which the IPC has issued recommendations pursuant to the application of Article 10.22(b) of the WHW, the Executive Board does not follow the recommendations issued in whole or in part and the IPC is of the opinion that this is seriously detrimental to the interests of DAE or the interests of the IPC;
- b. if the Executive Board has not obtained the required full or partial consent with regard to the content of Section II of the Participation Regulations, as stated in Article 10.22 of the WHW; or
- c. if the Executive Board and the IPC disagree on the interpretation of the provisions of or pursuant to Section 10 (3) of the WHW or the provisions of Section II of the Participation Regulations.

SECTION III

THE COURSE COMMITTEE REGULATIONS

§ 1 Course Committee in General

Article 3.1 – General Provisions concerning the CC

Article 10.3c of the WHW

A Course Committee (CC) shall be established for each course programme. If a course programme has several variants (full-time, part-time and/or dual), only one CC shall be established.

If an institute comprises only one course programme, it can be decided that the duties and powers of the CC may be assumed by the IPC.

The committee shall be charged with providing advice on how to improve and safeguard the quality of the course programme.

There are two CCs within DAE—the Bachelor’s Course Committee (BCC; for the Bachelor’s programme in Design) and the Master’s Course Committee (MCC; for the Master’s programme in Design).

§ 2 Appointment and Composition of the Course Committee

Article 3.2 – Establishment of and number of members in the CC

1. The Executive Board shall establish the Course Committee.
2. The Course Committee shall consist of four members.
3. Half of the members of the Course Committee shall be selected from amongst the students enrolled in the relevant course programme. The other half of the members shall consist of lecturers who are employed by the organisation, based on the CAO-HBO and an employment contract with DAE and who are affiliated with the relevant course programme.

Article 3.3 – Procedure for the composition of the CC

Article 10.3c (6) of the WHW

1. If the members of the Course Committee are designated, this shall be done by the Executive Board.
2. If the members of the Course Committee are elected, their election shall take place by anonymous written vote.
3. If the number of vacant places to be filled on the Course Committee is equal to the number of candidates who have registered, the candidates shall be regarded as having been elected, and no elections shall be organised. If the number of candidates who have registered is less than the number of vacant places to be filled in the Course Committee, the candidates shall be regarded as having been elected, and the Executive Board shall designate candidates for the places remaining to be filled.
4. The members of the Course Committee—whether they have or have not been elected—shall be appointed by the Executive Board.
5. Members of the Executive Board and members of the academy’s Management Team cannot simultaneously serve as members of a Course Committee.
6. At the request of the CC, the Executive Board member responsible for the Education portfolio shall be present at the meetings of the CC.

Article 3.4 – Decision-making process of the CC

1. The CC cannot take decisions unless at least half plus one of the total number of members are present at the meeting.
2. If a decision cannot be taken due to the absence of the quorum as referred to in the first clause, the decision may be taken at the next meeting. In that case, no quorum shall be required.
3. The CC shall decide based on a simple majority of votes.
4. The CC shall carefully weigh the interests involved when exercising its right to be consulted and its right of consent.

Article 3.5 – Term of office for members of the CC

1. The term of office for members of the Course Committee shall be two years. Members shall resign at the end of their term of office.
2. Any member who has been designated or elected to fill an interim vacancy shall resign at the time at which the individual whom that member was designated or elected to replace would have been expected to resign.
3. The term of office for the Course Committee shall begin on 1 November following the preceding October in which the elections for members of the Course Committee were held, the election outcomes were announced/finalised and the members were appointed by the Executive Board.

Article 3.6 – Termination of CC membership

1. Membership in the Course Committee shall be terminated at the end of the term of office as referred to in Article 2.3 (1) or because the member no longer belongs to the segment from which that member was designated or elected to the CC.
2. A member of the Course Committee may always terminate membership by submitting a resignation in writing to the Executive Board.

Article 3.7 – Legal protection of CC members

The Executive Board shall ensure that the members of the Course Committee are not disadvantaged in their positions in relation to Design Academy Eindhoven as a result of their membership in the CC.

§ 3 Duties and Powers of the Course Committee

Article 3.8 – General Duties and Powers of the CC

Article 10.3c (1) of the WHW

1. The CC shall be charged with providing advice on how to improve and safeguard the quality of the course programme.
2. In accordance with Article 10.3c (1) of the WHW, the CC shall be charged with issuing solicited and unsolicited recommendations to the IPC and the Executive Board with regard to all matters relating to the education provided in the relevant course programme. The CC shall send its recommendations and proposals to the Executive Board, as well as to the IPC for information purposes.

Article 3.9 – Elaboration of the duties and powers of the CC

Article 10.3c (1) of the WHW

1. The duties of the CC shall be as follows:
 - a. The annual assessment of the manner in which the Education and Examination Regulations have been implemented.

- b. The right to prior consultation with regard to the Education and Examination Regulations, with the exception of those topics for which the committee has no right of consent based on clause a. of this Article.
 - c. The issuing of solicited and unsolicited recommendations to the IPC and the Executive Board with regard to all matters relating to the education provided in the relevant course programme. The CC shall send these recommendations and proposals to the IPC for information purposes.
2. The CC shall have (see also Appendix 1 for an overview of rights to prior consultation and rights of consent):
- a. Right of consent with regard to the EER on the following topics:
 - The manner in which the education provided in the relevant course programme is evaluated (Article 7.13 (2a1) of the WHW);
 - The content of the areas of specialisation within a course programme (Article 7.13 (2b) of the WHW);
 - Qualities relating to the knowledge, insight and skills that a student should have acquired upon completing the course programme (Article 7.13 (2c) of the WHW);
 - As needed, the organisation of practical exercises (Article 7.13 (2d) of the WHW);
 - The study load of the course programme and each curriculum component thereof (Article 7.13 (2e) of the WHW);
 - The study load of Master's programmes according to Article 7.4a (8) (Article 7.13 (2g) of the WHW);
 - If applicable: the manner in which students are selected for special tracks within a course programme, as referred to in Article 7.9b (Article 7.13 (2) of the WHW).
 - b. Right of consent with regard to the management and administrative regulations in relation to the topics referred to in Article 10.3c (4) of the WHW. This refers to the composition of the CC, in case of sub-councils.
 - c. Right to prior consultation with regard to EER on the following topics:
 - the content of the course programme and the examinations associated with it (Article 7.13 (2a) of the WHW);
 - the further rules referred to in Articles 7.8b (6) and 7.9 (5) of the WHW (Article 7.13 (2f) of the WHW);
 - the number and sequentiality of the final examinations, as well as the times at which they may be taken (Article 7.13 (2h) of the WHW);
 - the full-time, part-time or dual arrangement of the course programme (Article 7.13 (2i) of the WHW);
 - as needed, the order, time slots and number of times in each academic year in which the opportunity is offered to take final and interim examinations (Article 7.13 (2j) of the WHW);
 - the further rules referred to in Article 7.10 (4) concerning the term of validity for successfully completed final examinations (Article 7.13 (2k) of the WHW);
 - whether the examinations are to be administered orally, in writing or in some other manner, subject to the authority of the Examination Board to determine otherwise in special cases (Article 7.13 (2l) of the WHW);
 - the manner in which students with disabilities or chronic illnesses are provided with reasonable accommodation to take final examinations (Article 7.13 (2m) of the WHW);
 - the openness of orally administered examinations, subject to the authority of the Examination Board to determine otherwise in special cases (Article 7.13 (2n) of the WHW);
 - the period within which the outcome of a final examination is announced, as well as whether and in which manner exceptions can be made to this term (Article 7.13 (2o) of the WHW);
 - the manner in which and the period during which an individual who has taken a written final examination will be able to inspect the work after it has been assessed (Article 7.13 (2p) of the WHW);

- the manner in which and the period during which it is possible to know the questions and assignments that are asked or given within the framework of a final examination administered in writing, as well as the standards according to which the assessment has been performed (Article 7.13 (2q) of the WHW);
 - the grounds on which the Examination Board can grant exemptions for one or more final examinations based on examinations that have been successfully completed in the past within the context of higher education or based on knowledge and skills acquired outside of the context of higher education (Article 7.13 (2r) of the WHW);
 - as needed, requiring the successful completion of a specific final examination as a condition for admission to taking other final examinations (Article 7.13 (2s) of the WHW);
 - as needed, the requirement to participate in practical exercises in order to be admitted to taking the relevant final examination, subject to the authority of the Examination Board to grant an exemption to this requirement, possibly accompanied by the imposition of alternative requirements (Article 7.13 (2t) of the WHW);
 - safeguarding academic progress and individual academic counselling (Article 7.13 (2u) of the WHW);
 - the actual design of the education (Article 7.13 (2x) of the WHW).
- d. The CC shall have the right to prior consultation concerning policy plans and implementation plans developed in response to recommendations and conclusions in evaluation reports, and particularly in self-evaluations, visitations, accreditations and DAE student surveys.

Article 3.10 – Obligations of the CC

The CC shall be required to prepare a written report of its activities to the IPC and the Education portfolio holder in the Executive Board at the end of each academic year.

Article 3.11 – Procedural consent of the CC

1. For matters in which the CC has a right of consent, the CC must react in writing, along with supporting argumentation, within a period of 20 days after receipt of the request by the secretary of the CC. If no reaction is received within this period, consent shall be assumed.
2. The decision of consent shall be sent to the Executive Board as soon as possible.

Article 3.12 – Procedural advice of the CC

Article 10.3c (2) of the WHW, with a reference to 10.23

1. In the case of solicited advice, as referred to in 3.2 (3b), the Executive Board shall ensure that:
 - a. the recommendations are requested within a timeframe that will ensure that the recommendations can have a true influence on the decision-making process;
 - b. the CC is provided with the opportunity to consult with the Executive Board (or a member of the MT designated by the Executive Board) before issuing its recommendations;
 - c. the CC is notified in writing as soon as possible concerning the action to be taken on the recommendations that have been issued and
 - d. the CC is provided with the opportunity to consult with the Executive Board before the decision is finalised if the Executive Board does not intend to follow the recommendations or any part thereof.
2. In the case of unsolicited advice, as referred to in 3.2 (3b), the Executive Board shall ensure that:
 - a. the CC is notified in writing as soon as possible concerning the action to be taken on the recommendations that have been issued and
 - b. the CC is provided with the opportunity to consult further with the Executive Board (or a member of the MT designated by the Executive Board) before the decision is finalised if the Executive Board does not intend to follow the recommendations or any part thereof.
3. For matters in which the Course Committee has a right to prior consultation, the Course Committee must react in writing, along with supporting argumentation, within a period of 20 days after receipt

- of the request by the secretary of the Course Committee. If no reaction is received within this period, it shall be assumed that the CC has issued a positive recommendation to the Executive Board.
4. The recommendations and proposals of the Course Committee shall be sent to the IPC for purposes of information.
 5. If the CC issues a proposal or recommendation to the Executive Board, as referred to in (1) or (2), the Executive Board must respond within 20 days after receipt.

§ 4 Standing of the Course Committee

Article 3.13 – General standing of the CC

Article 10.26 of the WHW

The Course Committee shall have standing in accordance with the regulations for dispute resolution in participation. Articles 9.39, 9.40 and 9.46 of the WHW shall apply as well.

Article 3.14 – Disputes concerning the power of consent: Executive Board – CC

1. With regard to the CCs power of consent, within the meaning of Articles 9.40 and 10.26 of the WHW, a dispute is understood to occur if such consent is not granted in the second instance.
2. In case of dispute, the Executive Board or the CC shall request the Supervisory Board to investigate the possibility of an amicable settlement. This investigation shall be conducted in mutual consultation between the Executive Board and the CC.
3. If an amicable settlement is not possible, the Executive Board or the CC shall request the Dispute-resolution Committee for Participation to accept the dispute for processing.
4. As long as the Dispute-resolution Committee for Participation has not issued a ruling, the decision in question may not be implemented.
5. A ruling from the Dispute-resolution Committee may be appealed to the Netherlands Enterprise Court at the Amsterdam Court of Appeal in accordance with the provisions of Article 9.46 of the WHW.

Article 3.15 – Consultation between the CC and the Executive Board

Article 10.3c (5) of the WHW

The CC shall be authorised to invite the administration of the course programme at least twice each year to discuss intended policy according to an agenda to be prepared by the CC.

§ 5 Working Procedures of the Course Committee

Article 3.16 – Distribution of duties in and meetings of the CC

1. The CC shall designate the chair and vice-chair from amongst its membership.
2. The chair shall be authorised to convene the CC and preside over its meetings. In the absence of the chair, the vice-chair shall preside over the meeting.
3. The Executive Board shall appoint an official secretary.
4. The duties of the official secretary of the CC shall include at least the following:
 - a. preparing meetings;
 - b. monitoring decisions taken during meetings;
 - c. recording the minutes of meetings;
 - d. making reports available for inspection;
 - e. archiving requests and topics that have been addressed.
5. The CC shall meet according to a pre-established schedule.
6. The meetings of the CC shall be open to the public, unless decided otherwise by the CC.
7. The CC shall decide to issue proposals/recommendations by majority vote. The CC shall aim to take decisions based on consensus. The procedure in case of a tie, shall be put down in the Internal Regulations of the concerning CC.
8. The CC cannot take decisions unless at least half plus one of the total number of members, one of whom must be a student, are present at the meeting. If a decision cannot be reached due to lack of a quorum, the Course Committee may proceed with decision-making in the next meeting, regardless of the number of members present.
9. A Course Committee shall ensure that its recommendations and decisions are available for inspection in a location that is accessible to students and staff members.

§ 6 Resources and Facilities of the Course Committee

Article 3.17 – Resources and Facilities of the CC

The Executive Board shall provide adequate official and financial support for the CC (e.g. compensation according to the collective labour agreement— 0.025 FTE/42 hours per calendar year, per lecturer or student member; this compensation also applies to the chair). In some cases, the CC may make use of the legal support services provided within Design Academy Eindhoven.

§ 7 Concluding Provisions of the Course Committee

Article 3.18 – Concluding provisions of the CC

1. In those cases that are not covered by the provisions of these CC regulations, as referred to in this section on the CC, the Executive Board shall decide.
2. These CC regulations shall enter into force after they have been approved by the Executive Board. The IPC shall have the right of consent.
3. Upon the entry into force of these regulations, CC members shall have the opportunity to remain in office until their term of appointment has expired, such that they are once again eligible for election. To this end, and to ensure continuity, the CC should aim for a phased rotation schedule for the various members.

SECTION IV

THE STATUTES OF THE STUDENT COUNCIL

Article 4.1 – Student Council in General

The Student Council is the student advisory council (SC) of DAE, an informal advisory body which provides both solicited and unsolicited advice to the Executive Board with regard to various subjects within the academy, especially concerning student well-being and the student climate at DAE. Unlike the CC and the IPC, the SC shall have no formal right to prior consultation or right of consent as referred to in Article 10.21 of the WHW.

Article 4.2 – Composition

The Student Council shall consist of at least six (6) and no more than eight (8) students, according to a proportionate distribution from the Bachelor's and Master's programmes. Membership in the SC shall be for a maximum of two (2) years. The SC shall be responsible for the recruitment and replacement of its own members.

Article 4.3 – Working methods

The SC shall meet at least six times each year to address a variety of topics relating to the improvement of student well-being and the student climate at DAE.

The SC shall consist of student members who are in direct contact with the Executive Board.

The SC shall have an informal and open character.

Students and the management shall determine the agenda in mutual consultation. The SC shall be responsible for recording the minutes of its consultations with the Executive Board and for determining parts of the content of these consultations, where possible, unless contra-indicated by the confidentiality of the information.

Article 4.4 – Rights and obligations

The SC shall exist alongside the CC and the student segment of the IPC. Coordination shall be ensured by an overlap of student members between the SC and the IPC. Unlike the CC and the IPC, the SC shall have no formal right to prior consultation or right of consent as referred to in Article 10.21 of the WHW.

The members of the SC shall be bound to confidentiality with regard to all matters observed in that capacity and with regard to which the Executive Board shall impose an obligation of confidentiality or for which the members of the SC should be expected to understand their confidential character.

Whenever possible, the Executive Board shall announce to the SC its intention to impose an obligation of confidentiality prior to addressing the matters to be subject to such confidentiality.

Any time that an obligation of confidentiality is imposed, it shall be announced which information to be provided orally or in writing is to be covered by the obligation of confidentiality and how long such confidentiality is to last, as well as any persons who will not be bound to the obligation of confidentiality.

For purposes of overlap, at least one (1) SC member shall stand for membership in the IPC in the IPC elections.

Article 4.5 – Facilities

Membership in the SC shall be on a voluntary basis. DAE shall provide the SC with a space for consultation. After two years of participation, DAE shall make available compensation amounting to €300, to be spent on an educational objective.

SECTION V

TRANSITION AND CONCLUDING PROVISIONS

Article 5.1 – Entry into force and expiration

1. The Participation Regulations shall enter into force on 1 November 2020.
2. Beginning with their entry into force, the Participation Regulations shall replace all previous Participation regulations that have been in force at DAE, as well as any regulations based upon them.

Article 5.2 – Transitional provisions

Upon the entry into force of the Participation Regulations, any members of the Participation bodies of DAE who are bound to a term of office shall complete their term of office, with application of the provisions of these Participation Regulations.

Article 5.3 – Evaluation of co-determination

After the Participation Regulations have been approved, the Executive Board shall evaluate the system of Participation within DAE once every four years. To this end, consultation will be held with the IPC.

Article 5.4 – Amendments to the Participation Regulations

The Executive Board shall be authorised to approve and amend the Participation Regulations. Prior to approving or amending the Participation Regulations, the Executive Board shall submit a proposal to the IPC. The Executive Board shall then refrain from taking a decision until consent has been obtained from the IPC, in accordance with Article 2.14.1 (e).

Article 5.5 – Citation title

These regulations may be cited as the Participation Regulations.

APPENDIX 1 Overview of Right to Consent on EER subjects

Article 7.13 (2) of the WHW	Subject	Competence of the IPC	Competence of the CC
a	Content of the course programme and the examinations associated with it	Right to prior consultation possible	Right to prior consultation
a1	The manner in which the education provided in the relevant course programme is evaluated.	Right to prior consultation possible	Right of consent
b	Content of the areas of specialisation within a course programme	Right to prior consultation possible	Right of consent
c	Qualities relating to the knowledge, insight and skills that a student should have acquired upon completing the course programme	Right to prior consultation possible	Right of consent
d	As needed, the organisation of practical exercises	Right to prior consultation possible	Right of consent
e	The study load of the course programme and courses	Right to prior consultation possible	Right of consent
f	Binding recommendation on continuation of studies	Right to prior consultation possible	Right to prior consultation
g	The study load of the Master's programmes	Right to prior consultation possible	Right of consent
h	The number and sequentiality of the final examinations, as well as the times at which they may be taken	Right of consent	Right to prior consultation
i	The full-time, part-time or dual arrangement of the course programme	Right of consent	Right to prior consultation
j	The order, time slots and number of times in each academic year in which the opportunity is offered to take final and interim examinations	Right of consent	Right to prior consultation
k	The term of validity for successfully completed final examinations	Right of consent	Right to prior consultation
l	Whether the final examinations are to be administered orally, in writing or in some other manner, subject to the authority of the Examination Board to determine otherwise in special cases	Right of consent	Right to prior consultation
m	The manner in which students with disabilities or chronic illnesses are provided with reasonable accommodation to take final examinations	Right of consent	Right to prior consultation

n	The openness of orally administered final examinations, subject to the authority of the Examination Board to determine otherwise in special cases	Right of consent	Right to prior consultation
o	The period within which the outcome of a final examination is announced, as well as whether and in which manner exceptions can be made to this term	Right of consent	Right to prior consultation
p	The manner in which and the period during which an individual who has taken a written final examination will be able to inspect the work after it has been assessed	Right of consent	Right to prior consultation
q	Inspection of the assessment of the questions and assignments included in final examinations	Right of consent	Right to prior consultation
r	The grounds on which the Examination Board can grant exemptions for one or more final examinations based on examinations that have been successfully completed in the past	Right of consent	Right to prior consultation
s	As needed, requiring the successful completion of specific final examinations as a condition for admission to taking other final examinations	Right of consent	Right to prior consultation
t	As needed, the requirement to participate in practical exercises in order to be admitted to taking the relevant final examination, subject to the authority of the Examination Board to grant an exemption to this requirement, possibly accompanied by the imposition of alternative requirements	Right of consent	Right to prior consultation
u	Safeguarding academic progress and individual academic counselling	Right of consent	Right to prior consultation
v	If applicable: the manner in which students are selected for special tracks within a course programme	Right to prior consultation possible	Right of consent
x	The actual design of the education	Right of consent	Right to prior consultation