

JADS/db Participation Regulations

September 2022

Scope and Definitions

Article 1 Scope of these Regulations and nature of the JADS/db Council

- 1.1** These Regulations apply to the participation body at JADS/db and are an elaboration of Article 9.18 and Article 9.49 of the Dutch Higher Education and Research Act (HERA) and Chapter 6 of the JADS Joint Regulation between Tilburg University and Eindhoven University of Technology. It concerns participation at JADS/db by both employees and students.
- 1.2** In setting up the participation at JADS/db, the choice was made to make use of the possibility pursuant to Article 9.18 paragraph 6 HERA to place the tasks and powers of the Program Committee with the same participation Council that exercises the other participation rights pursuant to the HERA and the JADS Joint Arrangement. Thus, the various duties and powers are all vested in the same body. This body is called the JADS/db joint participation Council and JADS/db Council for short. These regulations regulate how and in what composition the JADS/db Council exercises its tasks and powers.

Article 2 Definitions

For the purpose of these Regulations, the following definitions shall apply:

- a) **Board:** the person or persons charged by the Executive Boards of the parties with the day-to-day management of JADS/db, who acts/act as the person/persons responsible for the implementation of these Regulations and as the interlocutor(s) of the JADS/db Council; ¹
- b) **Dean:** the Dean of a TU/e or TiU School involved in the JADS Collaborative Institute;
- c) **Joint Arrangement:** the JADS Joint Arrangement agreed between the Parties in accordance with Articles 8.1 and 9.23 of the Act, regarding the cooperation in relation to JADS;
- d) **Annual Plan:** The JADS/db annual plan that includes at least the policy intentions and concrete objectives for the coming year;
- e) **JADS:** the collaboration between the Eindhoven University of Technology and Tilburg University regarding the Jheronimus Academy of Data Science;
- f) **JADS/db:** the entirety of activities of the JADS Collaborative Institute at or from Mariënborg in 's-Hertogenbosch, including in particular the JADS joint degree Master's program and the EngD program;

¹ This currently concerns (the members of) the Management Team. As far as the powers of the JADS/db Council from its role as a Program Committee are concerned, the Academic Director will be the interlocutor.

- g) **JADS/db Council:** the Participation Council according to Article 9.18 and Article 9.49 of the HERA for employees and students of JADS/db as referred to in Article 33 of the Joint Arrangement;
- h) **Election Regulations:** the JADS/db election regulations;
- i) **Support and management personnel:** personnel who do not fall into the category of scientific staff;²
- j) **Academic Director:** the person who directs a JADS program according to Article 9.17 of the HERA;
- k) **Parties:** the Eindhoven University of Technology and Tilburg University;
- l) **Scientific staff:** staff whose positions are classified with a job profile belonging to Education and Research within the job classification system;
- m) **Act:** the Higher Education and Research Act (HERA).

Composition and elections

Article 3 Size and composition

- 3.1** The JADS/db Council has eight elective seats.
- 3.2** The elective seats for the JADS/db Council are distributed as follows:
 - a) Four seats for members elected by and from the staff (the staff section). Of these four members, two members belong to the scientific staff and two members belong to the support and management staff.
 - and
 - b) Four seats for members elected by and from the students of JADS/db (the student section).
- 3.3** Persons who are members of the Executive Board, the Board of Governors, or the Supervisory Board of either Party or who are charged with the position of Dean or co-board member of one of the Schools of the Parties involved in JADS, form the Board of JADS/db, or are Academic Directors cannot also be members of the JADS/db Council.

Article 4 Election and term of office

- 4.1** The Board ensures the organization of the elections of the members of the JADS/db Council, in accordance with the provisions of the JADS/db Council Election Regulations.
- 4.2** The term of office is two years for members of the JADS/db Council who belong to the staff section and one year for members who belong to the student section. The term starts on January 1 of the year following the year in which the elections take place and thus ends two years, or one year later on December 31. Retiring members are immediately eligible for re-election.

² Student assistants may also belong to the obp, depending on their choice under Article 2.1 of the Election Rules whether they exercise their participation rights as students or as employees.

- 4.3** If a seat becomes vacant in the interim, it will be filled in the manner described in Article 8.1 of the Election Regulations.
- 4.4** A member who takes an interim vacant seat resigns at the time when the person in whose place he or she was elected should have resigned.
- 4.5** Membership in the JADS/db Council ends:
- a) By periodic resignation;
 - b) By death;
 - c) By written notice of termination;
 - d) By leaving the university community;
 - e) By transitioning to a different section;
 - f) By temporary resignation due to pre- and post-natal maternity leave or parental leave as referred to in paragraph 7;
 - g) In the case of membership due to substitution of a member during a leave of absence referred to under (f): upon the return of the member whose position was substituted.
- 4.6** Termination as referred to in paragraph 5(c) shall be effected by written notification to the chair of the JADS/db Council. The Board and the Election Committee as referred to in the Election Regulations shall receive a copy of the notice of termination.
- 4.7** The member of the JADS/db Council to whom pre- and post-natal maternity leave is granted in her employment, or the member to whom parental leave, leave in connection with adoption or foster care, or other leave, including sabbatical leave is granted, is authorized to temporarily resign for the duration of that leave. At the end of such leave, he/she shall be reinstated in his/her membership by operation of law. The same authority is vested in student members.
- 4.8** If, at any time, the number of members of the JADS/db Council is less than five, and the vacancies cannot be filled in accordance with the Election Regulations because there are insufficient candidates for this purpose, the Board ensures that elections are organized as soon as possible to fill the vacant seats until the regular elections are held in accordance with the Election Regulations. In the meantime, the JADS/db Council remains empowered to make decisions.

Article 5 Chair

- 5.1** The JADS/db Council elects a chair and a deputy chair preferably from among its members. The chair represents the JADS/db Council judicially. If the chair is recruited from outside the JADS/db Council, the deputy-chair represents the JADS/db Council judicially.

Article 6 Legal protection

- 6.1** The Board ensures, regarding the JADS/db Council, that the members of the JADS/db Council are not disadvantaged in their position with respect to JADS, JADS/db, and/or any of the Parties by virtue of their membership with the JADS/db Council. This also

applies to candidate members, former members, the official secretary, and persons who are or have been involved with the JADS/db Council as experts.

Duties and Powers

Article 7 General provision on duties and powers

- 7.1** Regarding the Board, the JADS/db Council exercises the rights that, on the basis of the Act, belong to the School Council of the Schools involved, as far as it concerns matters that specifically concern JADS/db. This includes the (draft) budget of JADS/db.
- 7.2** Participation with respect to (amendments to) the Joint Arrangement and, as part thereof, establishing the (multi-year) financial frameworks of JADS/db rests with the University Councils of the Parties.
- 7.3** The provisions of Articles 10 (right to consent) and 11 (right to be consulted) do not apply insofar as:
- a) the matter in question is already regulated in substance by a regulation issued by or under any law or by a collective labor agreement; or
 - b) by or on behalf of the Executive Boards of the Parties, pursuant to the Consultation Protocol to the Collective Labour Agreement, consultation has already been held with the Labor Representation Board on the matter in question.

Article 8 Duties of the JADS/db Council

- 8.1** The JADS/db Council focuses on the importance of good participation within JADS/db. To this end, the JADS/db Council professionally weighs the interests of JADS/db in the context of the objectives of education, research, and impact within JADS/db—and by extension of the Parties—and stakeholders including staff and students and, thereby, contributes to a careful decision-making process.
- 8.2** The JADS/db Council, to the best of its ability, promotes openness, public access, and mutual consultation within JADS/db.
- 8.3** Furthermore, the JADS/db Council guards against discrimination on any grounds whatsoever within JADS/db in general and promotes a (socially) safe working and study climate.

Article 9 Right of initiative of the JADS/db Council

- 9.1** The JADS/db Council is authorized to make proposals to the Board on matters concerning JADS/db and to express views. The Board issues a written, reasoned response to these proposals to the JADS/db Council within a reasonable period of time.
- 9.2** Before proceeding with the response referred to in the previous paragraph, the Board gives the JADS/db Council at least one opportunity to hold a consultation on the proposal.

Article 10 JADS/db Council's right of consent

- 10.1** The Board requires the prior consent of the JADS/db Council for any decision to be made regarding the adoption or amendment of:
- a) the Participation Regulations;
 - b) the Education and Examination Regulations, as referred to in Article 7.13 of the Act;
 - c) the program-specific part of the Student Charter, referred to in Article 7.59 of the Act.

Article 11 JADS/db Council's right to be consulted

- 11.1** The Board shall give the JADS/db Council a timely opportunity to consult and advise on (proposed decisions regarding):
- a) matters concerning the continued existence of and the proper conduct of affairs within JADS/db;
 - b) the JADS/db budget;
 - c) establishing the general frameworks for education, research, and impact offered by JADS/db (strategy/policy plan)
 - d) JADS/db's annual financial statements and accompanying Board report.
- 11.2** The JADS/db Council is given a timely opportunity to consult and advise on the profile for a member of the Board to be appointed.
- 11.3** If a selection committee is established for a member of the Board to be appointed, a member of the JADS/db Council is given the opportunity to serve on it.
- 11.4** The JADS/db Council is heard confidentially on the proposed decision before the appointment or dismissal of a member of the Board, in accordance with Article 3.13.

Article 12 Special powers of the staff section

- 12.1** The Board ensures that the staff section of the JADS/db Council is given a timely opportunity to consult and advise on proposed decisions regarding:
- a) matters relating to working conditions in JADS/db, and
 - b) the organization and way of working within JADS/db.

Article 13 Special powers and duties JADS/db Council from its role as Program Committee

- 13.1** The JADS/db Council further has, from its role as a Program Committee, the task of:
- a) annually assessing the manner of implementation of the Education and Examination Regulations;
 - b) to provide advice or make proposals to the Academic Director, either on request or of its own accord, on all matters relating to education; and
 - c) discussing the site visit report referred to in Article 5.13 paragraph 4, of the Act.

Article 14 Procedure advisory right

- 14.1** Advice is sought at such a time that it may have a substantial influence on the decision to be taken. The Board submits the decision to be taken to the JADS/db Council in writing, providing an overview of the rationale as well as the expected consequences.
- 14.2** The JADS/db Council is given the opportunity to consult with the Board in a consultation meeting as provided for in Article 22, prior to the issuance of the advice.
- 14.3** The JADS/db Council is informed in writing as soon as possible, but no later than three months, of the manner in which the advice given will be acted upon.
- 14.4** If the Board wishes to deviate in whole or in part from the advice of the JADS/db Council, the JADS/db Council is notified in writing, stating the reasons. The JADS/db Council is given the opportunity for further consultation before the Board takes a final decision.
- 14.5** The JADS/db Council and the Board then inform each other within three weeks whether their original position is maintained after reconsideration of interests. If the JADS/db Council and the Board maintain their positions, the JADS/db Council or the Board determines that there is a dispute as referred to in Article 16.

Article 15 Procedure for right of consent

- 15.1** The Board submits in writing to the JADS/db Council the decision to be taken with respect to which the JADS/db Council has the right of consent, providing an overview of the rationale as well as the expected consequences.
- 15.2** Before the JADS/db Council or the relevant section of the JADS/db Council decides on the requested consent, the matter concerned must have been dealt with at least once in a consultation meeting as referred to in Article 22.
- 15.3** The JADS/db Council decides at the consultation meeting whether to grant the requested consent or notifies the Board in writing of its decision as soon as possible thereafter, within three weeks at the latest.
- 15.4** If the JADS/db Council has not reached a decision within the specified time, the proposed decision is deemed to have gained consent.
- 15.5** If the JADS/db Council, or the relevant section of the JADS/db Council, does not give the required consent to the proposed decision, the Board consults again with the JADS/db Council.
- 15.6** After the consultation referred to in the previous paragraph, the Board decides to:
- maintain the proposal, or
 - submit the proposal to the JADS/db Council as amended, or
 - withdraw the proposal.
- 15.7** The Board notifies the JADS/db Council of its decision as soon as possible but no later than three months. If this communication is not made within three months, the proposal lapses.

15.8 If, at the end of the consultations referred to in the preceding paragraph, the Board informs the Council that it wishes to maintain the proposal, the Board or the JADS/db Council determines that there is a dispute as referred to in Article 16.

Article 16 Dispute procedure

16.1 In the event of a dispute, the Board and the JADS/db Council make an earnest attempt to resolve the dispute among themselves before reporting the dispute to both Executive Boards of the Parties. After notification, the procedure set forth in Article 9.40 of the Act is followed.

Article 17 Facilities

17.1 The Board informs the members of the JADS/db Council of the applicable regulations regarding:

- a) the exemption from work of members of the staff section;
- b) appropriate compensation for student members;
- c) training;
- d) the JADS/db Council budget.

17.2 The JADS/db Council meets as much as possible during normal working hours.

17.3 The JADS/db Council may invite one or more experts to attend a JADS/db Council meeting for the purpose of dealing with a particular topic.

17.4 The persons referred to in the preceding paragraph are provided in good time with the agenda for the meeting in question and such documents as they may require.

17.5 An expert may also be invited to provide a written opinion.

Article 18 Right to information

18.1 At the beginning of the academic year, the Board provides the JADS/db Council with basic information in writing regarding the composition of the Board, the organization at JADS/db, and the annual plan already adopted.

18.2 The Board provides the Council with all relevant information regarding the items on the agenda no later than ten working days prior to a consultation meeting.

18.3 Furthermore, the Board provides the JADS/db Council—whether requested or not—in a timely manner with all information that it reasonably requires for the performance of its duties.

18.4 The information and data are provided in writing.

Article 19 Duty of confidentiality

19.1 The members of the JADS/db Council and the experts consulted in accordance with Article 17 are obliged to keep confidential all matters that they learn in their capacity with respect to which the Board or the JADS/db Council has imposed confidentiality or with respect to which they should have understood the confidential nature.

19.2 The person imposing confidentiality also indicates which written or oral information is covered by the confidentiality and for how long, as well as whether there are any persons with respect to whom confidentiality need not be observed.

- 19.3** When the grounds for confidentiality have lapsed, the person who imposed the confidentiality informs the persons concerned as soon as possible.
- 19.4** If, in the opinion of the majority of the JADS/db Council, a member of the JADS/db Council has been guilty of violating the duty of confidentiality imposed under the first paragraph of this Article, or the Board believes that a member has failed to comply with a duty of confidentiality imposed by the Board, a warning is issued to the person concerned by the chair of the JADS/db Council.
- 19.5** If, with regard to the same member of the JADS/db Council, a second violation of the duty of confidentiality is established, the person concerned will be excluded for a period of three months from those (parts of) meetings that are closed and from the provision of information subject to confidentiality.
- 19.6** The duty of confidentiality does not lapse with the termination of the membership of the JADS/db Council nor with the termination of the relationship of the person concerned with JADS/db or one of the Parties.

Article 20 Official secretary

- 20.1** The Board provides an official secretary for the purpose of the work of the JADS/db Council and meetings.
- 20.2** The official secretary is in charge of drawing up the agenda, convening the JADS/db Council meetings and the consultation meetings, drawing up the minutes of the meetings, and managing the documents intended for the JADS/db Council and those emanating from the JADS/db Council.
- 20.3** The agenda and related documents prepared for a meeting are sent to the members at least ten working days prior to the meeting.
- 20.4** A report of each meeting of the JADS/db Council is prepared by the official secretary. This report is sent by the official secretary to the members of the JADS/db Council for adoption.
- 20.5** The official secretary ensures that the agendas and reports of the meetings of the JADS/db Council are published for inspection on the JADS/db intranet for the benefit of interested parties, taking into account the provisions of Article 24.4 on the confidentiality of parts of the meeting.
- 20.6** The JADS/db Council drafts an annual written report of its activities. The official secretary takes care of the preparation of the (draft) annual report and that all those involved in JADS/db can take cognizance of the report after it has been adopted by the JADS/db Council.

Consultation

Article 21 Meetings, decision making, and voting ratio

- 21.1** The JADS/db Council meets for the purpose of carrying out its duties at least in the following cases:
- a) prior to a consultation meeting to be held as referred to in Article 22;
 - b) at the request of the chair of the JADS/db Council;
 - c) at the request of at least two members of the JADS/db Council.
- 21.2** The chair determines the time and place of the meeting. Meetings can also take place entirely online or in hybrid form. A meeting as referred to in paragraph 1(c) is held within ten working days after the chair has received the request.

- 21.3** In the exercise of duties and powers that, by virtue of these Regulations, exclusively concern the staff section, all members have the right to be present and to express themselves at the meetings concerned. In this, however, the student section does not have the right to vote on the decision making.
- 21.4** When exercising duties and powers that the JADS/db Council has based on its role as a Program Committee, all members have the right to be present and express themselves at the meetings concerning these matters. The members of the support staff, however do not have the right to vote on the decision making. In the decision making on such matters, the members of the scientific staff have the right to vote as well as two members from the student section, to be appointed by the student section from among its members.
- 21.5** In other matters, the JADS/db Council exercises its duties and powers in its full composition, and all members are, therefore, entitled to vote; the vote of each member counting equally.
- 21.6** Valid decisions can only be taken if more than half of the number of members entitled to vote on the matter in question are present.
- 21.7** If the required number of members is not present, the relevant items is deliberated and decided at the next meeting, regardless of the number of members present.
- 21.8** A written vote is taken if requested by at least one of the members present at the meeting.
- 21.9** The members of the JADS/db Council vote independently and not bound by any instructions.
- 21.10** Unless a different majority is required under statutory provisions or provisions of these Bylaws, resolutions are passed by a simple majority of the number of valid votes cast, with a blank vote being considered a valid vote.
- 21.11** In the event of an equality of votes, the proposal is deemed rejected. An alternative proposal may then be submitted at the meeting.

Article 22 The consultation meeting with the Board

- 22.1** The JADS/db Council meets with the Board at least four times a year.
- 22.2** Meetings are held as much as possible according to a meeting schedule that is drawn up once a year in consultation between those involved.

Article 23 Thematic meeting

The JADS/db Council invites the Parties' University Councils once a year to exchange views on the Parties' collaboration within JADS/db in a substantive thematic meeting.

Article 24 Openness of meetings

- 24.1** The meetings of the JADS/db Council are open to the public, unless the JADS/db Council decides otherwise in view of the nature of the matter. A decision to hold a closed meeting must be justified.

- 24.2** If a preeminent personal interest of one of the members of the Council is at stake at a particular meeting or part thereof, the JADS/db Council may decide that the member concerned will not participate in that meeting or part thereof. The JADS/db Council then also decides that the handling of the matter concerned takes place in a closed meeting.
- 24.3** With regard to what is dealt with in a closed (part of a) meeting, the persons present at the meeting observes confidentiality in accordance with the provisions of Article 19.
- 24.4** A confidential report is made of a closed (part of a) meeting.
- 24.5** The chair decides in what terms a decision taken in a confidential (part of a) meeting is made public, unless confidentiality has been imposed in accordance with the provisions of Article 19.
- 24.6** The foregoing provisions apply *mutatis mutandis* to consultation meetings as provided for in Article 22 and the thematic meeting as provided for in Article 23.

Other provisions

Article 25 Entry into force

These Regulations shall take effect the day after these Regulations have been adopted by the Board.

Signature and date