

# Student Charter 2017/2018



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## **of Delft University of Technology**

This is the English version of the Student Charter of Delft University of Technology, as published on the TU Delft website. It is a translation of the original Dutch version [www.studentcharter.tudelft.nl](http://www.studentcharter.tudelft.nl), which should be considered authoritative.

# Student Charter 2017/2018

This is the Student Charter of Delft University of Technology (TU Delft). The Student Charter describes the relationship between student and institution in terms of their obligations. The charter contains the rights and obligations of the parties involved in the educational process: the student and the institution.

The institution's obligations towards the student are set out, as is the student's obligation to meet all the requirements of a final degree audit.

It is in order to enable him or her to do so that the student is granted the rights according to this charter. The legal basis of the charter is Article 7.59 of the Higher Education and Scientific Research Act (WHW);

This document applies to all students of TU Delft. It consists of three parts.

The first contains a description of the rights and obligations of the student as defined by law. It maps out the student's legal position as defined by law and is thus descriptive in nature. Included under the term 'law' are those regulations that the Executive Board (EB) has to make on a statutory basis, for example the Graduation Support Scheme (RAS). Such regulations are included in part III as appendices to this charter.

An inseparable aspect of the legal position of the student is his or her ability to have the observance of his or her rights enforced. The possibilities to do so are described in the chapter on 'Legal protection'.

The second part of this charter chiefly focuses on the aspects of the Student Charter that relate to the content of degree programmes.

Part III contains appendices with the complete text of university regulations that are of the most importance to students.

Further information on the meaning and scope of the content of this charter can be obtained from the Front Office of Education & Student Affairs (E&SA) (+31 (0)15-2788004), or from the faculties' academic counsellors.

In closing: e-mail communication may be used as a legal form of communication for all TU Delft correspondence. However, this will not (yet) apply for any matters requiring a signature, date, or authentication.

See Chapter 12 of Part I for further information.

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# Part I

## General

# Chapter 1

## General provisions

### 1.1 DEFINITIONS

In this Student Charter, terms shall be understood as follows:

- a. Act: the Higher Education and Scientific Research Act (WHW) (Bulletin of Acts and Decrees 1992, 593);
- b. Awb: the Dutch General Administrative Law Act;
- c. Charter: the document referred to in Art. 7.59 of the WHW;
- d. Institution: Delft University of Technology (TU Delft);
- e. Degree programme: educational units forming a coherent whole as referred to in Art. 7.3 para. 2 of the WHW, aimed at realising clearly defined objectives in the field of knowledge, insight and skills that a person completing the programme should command;
- f. Student: a person enrolled at TU Delft in order to receive education and take examinations/degree audits in a degree programme;
- g. External student: a person enrolled at TU Delft in order to take examinations or degree audits;
- h. Examination candidate: a person who is the subject of an examination or degree audit;
- i. Propedeuse: the first-year phase of a Bachelor's degree programme as referred to in Art. 7.8 of the WHW;
- j. Bachelor's degree programme: an educational programme as referred to in Art. 7.3a et seq. of the WHW;
- k. Master's degree programme: an educational programme as referred to in Art. 7.3a et seq. of the WHW;
- l. Component: an educational unit of the degree programme in the sense of Art. 7.3, para. 2 of the WHW;
- m. Module: any part of an educational unit that is assessed separately;
- n. Examination: an investigation into the knowledge, insight and/or skills of the examination candidate in respect of a particular component of the degree programme;
- o. Interim examination: an investigation into knowledge, insight and skills in a module. (Where this charter refers to 'examination', 'interim examination' may also be intended);
- p. Thesis professor: the full professor of the faculty primarily responsible for the teaching and examination of the 'Graduation Project' component;
- q. Practical exercise, as referred to in Art. 7.13 para. 2 subsection d of the WHW. This may include:
  - writing a thesis;
  - completing a project;
  - executing a research assignment;
  - participating in fieldwork or an excursion;
  - completing an internship.
- r. Academic year: the period commencing on 1 September and ending on 31 August of the following year;
- s. Term: a period of education that concludes with an examination, or the period prior to the academic year reserved for examinations;
- t. Teaching and Examination Regulations (OER): regulations laid down by the dean of each degree programme in accordance with Art. 9.38 subsection b of the WHW, regulating at minimum the matters described in Art. 7.13 para. 2 subsections a to u of the WHW;
- u. University: TU Delft;
- v. Executive Board (EB): the Executive Board of TU Delft;

- w. Higher Education: university education (WO) and higher professional education (HBO);
- x. Open University: the Open University as referred to in Art. 1.3 para. 4 of the WHW;
- y. Dean: where relevant, 'dean' may also be taken to mean 'administration';
- z. Performance-related grant: student grant in the form of a performance-related grant in accordance with the Student Grant Act (WSF 2000);
- aa. Cohort: the students of a particular year;
- ab. Credit: European Credit (EC) according to the European Credit Transfer System (ECTS), and legally equivalent to 28 hours of study.

## **1.2 RELATIONSHIP TO THE WHW**

This charter is a Student Charter as referred to in Art. 7.59 of the Higher Education and Scientific Research Act (WHW). It is principally based on this act. Other acts, for example the Dutch General Administrative Law Act (Awb), are also referred to. The provisions of the Student Charter are only legally valid if and insofar as they do not contravene the law. The charter itself creates rights and obligations. Should the charter be in contravention of the law now or in future, no rights can be derived from it by the student. Consequently the charter must be adapted according to current legislation, for example if the charter conflicts with the law, or a conflict with the law arises due to changes in legislation. In the case of differences in interpretation between the English and Dutch texts, the Dutch text shall prevail.

It is the responsibility of the Executive Board each year to ascertain whether and to what extent the charter requires revision, and to inform senior students in writing of any important changes at the start of the academic year. The board announces any significant interim changes via the appropriate channels within the university.

## **1.3 SCOPE AND PUBLICATION OF THE CHARTER**

The scope of the Student Charter is limited in principle to the students of TU Delft. A number of subjects also apply to external students. TU Delft is obliged to make the charter available to its students each year. The university chooses to provide the entire text of the statute via the university website ([www.studentenstatuut.tudelft.nl](http://www.studentenstatuut.tudelft.nl)). An e-mail containing the most important subjects in the charter together with references to where they may be found in the full document is also sent to every student.

# Chapter 2

## Entrance and admission

### 2.1 ADMISSION REQUIREMENTS FOR BACHELOR'S DEGREE PROGRAMMES (Art. 7.24 to 7.29 of the WHW)

Entrance to a university Bachelor's degree programme can be obtained by a number of means:

- a. Pre-university (VWO) certificate;
- b. University (WO) propedeutic (first-year) certificate;
- c. University (WO) Bachelor's degree certificate;
- d. A propedeutic (first-year) certificate from a university of applied sciences (HBO);
- e. A Bachelor's degree certificate from a university of applied sciences (HBO);
- f. University (WO) Master's degree certificate;
- g. A certificate approved by the minister, which may or may not have been issued in the Netherlands, and which is deemed equivalent to a pre-university (VWO) certificate;
- h. A certificate recognised by the EB, which may or may not have been issued in the Netherlands, and which the EB judges to be equivalent to a pre-university (VWO) certificate;
- i. A university entrance examination (colloquium doctum)

### 2.2 OTHER PRIOR EDUCATION REQUIREMENTS

#### *Profiles*

On 1 August 1998, Profile legislation came into force in the Netherlands. Its effect on university education is that enrolment for a particular degree programme is only possible on the basis of a pre-university (VWO) certificate that relates to a certain academic profile.

#### *Science and Engineering*

The profile 'Science and Engineering' gives right of admission to almost every Bachelor's programme at TU Delft without any further entry requirements applying. Students with this profile are admitted directly to the university's degree programmes. Biology is required for admission to the Nanobiology and Clinical Technology programmes.

#### *Science and Health*

For applicants with the profile 'Science and Health', direct admission is only granted if they studied Mathematics B and passed the examination. Physics is required for most Bachelor's programmes at TU Delft.

#### *Economy/Culture and Society*

Pre-university (VWO) students with the profile 'Economy and Society' or 'Culture and Society' can only be admitted if, before beginning the degree programme in question, they meet the additional requirements in the field of mathematics (all degree programmes), Physics (with the exception of Computer Science and Applied Mathematics), Chemistry (only required for Clinical Technology, Life Science & Technology, Molecular Science & Technology, Applied Earth Sciences and Nanobiology), and Biology (only required for Nanobiology and Clinical Technology).



### *Diploma's equivalent with VWO diploma*

Students who possess an 'old style' VWO certificate will be granted admission to the degree programmes and degree audits of TU Delft if they have Mathematics B and required additional courses, depending on the bachelor course where admission in the desired bachelor programme. The Executive Board decides whether a foreign diploma is to be considered equivalent to a VWO-diploma. Admission can be granted, provided that the candidate also has sufficient knowledge of mathematics, physics, chemistry and/or biology, if such knowledge is required for the bachelor programme for which the candidate applies for.

### *Students with prior higher professional (HBO) qualifications*

Students with a propedeutic (first-year) certificate from a university of applied sciences (HBO) seeking to gain admission to a Bachelor's programme should have a knowledge of Mathematics B, and (where necessary) Physics, Chemistry and Biology at pre-university (VWO) level. Students with an HBO certificate seeking admission to a Master's programme bridging course must have sufficient knowledge of Mathematics B and English: this is deemed to be the case if the university of applied sciences (HBO) Bachelor's degree certificate is supplemented with certificates in Mathematics and English (conditions can be found on the website [www.tudelft.nl/studeren/van-hbo-naar-tu-delft/met-hbo-diploma/ingangstoetsen/](http://www.tudelft.nl/studeren/van-hbo-naar-tu-delft/met-hbo-diploma/ingangstoetsen/)). Students with an HBO certificate who also have a pre-university (VWO) certificate are not required to take an English test nor, depending on the VWO profile, a Mathematics test.

## **2.3 DEFICIENCIES**

For programmes starting on 1 September, any deficiencies must have been rectified by 31 August at the latest. For programmes starting on 1 February, deficiencies must have been rectified by 1 December.

An additional requirement for applicants with qualifications from a country other than the Netherlands is that for Bachelor's degree programmes taught in Dutch they must demonstrate that they have sufficient knowledge of the Dutch language (except for Aerospace Engineering, NanoBiology and Applied Earth Sciences) to be able to follow the degree programme successfully.

## **2.4 UNIVERSITY ENTRANCE EXAMINATION (colloquium doctum) (art 7.29 of the WHW)**

Admission on the basis of a university entrance examination will only be granted by the EB after investigation by a university committee has established the applicant's suitability to follow the degree programme in question. Knowledge of Dutch is also a requirement in this case. To take a university entrance examination, the applicant must be aged 21 years or over. The act of 3 April (Bulletin of Acts and Decrees 170, 1999) stipulates that the EB may also disregard this age limit if in exceptional cases a certificate cannot be provided. This stipulation relates chiefly to refugees.

The requirements of the entrance examination are included in the Teaching and Examination Regulations (OER). Admission granted by the EB on the basis of an entrance examination applies exclusively to the degree programme concerned at TU Delft. Information on the university entrance examination can be obtained from the secretariat to the committee, see <http://www.tudelft.nl/nl/studeren/studeren-aan-de-tu-delft/toelating-en-aanmelding/met-nederlands-diploma-naar-bsc/toelatingseisen/geen-geldig-diploma/>.

## **2.5 ADMISSION REQUIREMENTS FOR MASTER'S DEGREE PROGRAMMES (Art. 7.30 of the WHW)**

### *a. Admission to a Master's degree programme based on a Dutch bachelor diploma*

To enrol for a Master's degree programme, the applicant must be in possession of a Bachelor's certificate that leads directly on to the Master's programme in question.

Any student wishing to start a Master's programme must have successfully completed the Bachelor's programme and/or bridging programme required for admission to that Master's programme.

If a bachelor diploma does not automatically give access to a master programme then the candidate have to ask the admission committee of the master programme for approval. If the admission committee approves that the quality of the bachelor programme is sufficient, then the student can apply for enrolment. If the bachelor programme as such is not sufficient but there is sufficient grounds to expect that the deficiencies can be fulfilled in due time, then the candidate can obtain permission to try to reach that goal, e.g. by enrolment into a pre-master programme. After completion of the appropriate pre-master programme the candidate will be granted to the master programme.

A detailed overview of the admission possibilities from Bachelor's programmes to Master's programmes within TU Delft can be found on the website [www.doorstroommatrix.nl](http://www.doorstroommatrix.nl).

There are also a variety of possibilities for admission to Master's degree programmes at other universities, technical or otherwise.

*b. Admission to Master's degree programmes based on a foreign bachelor diploma*

Admission to a masters programme requires a bachelor diploma from a prestigious university. Additional requirements concern a cumulative grade point average and demands on the level of English language. See <https://www.tudelft.nl/en/education/admission-and-application/msc-international/1-admission-requirements> for detailed information.

## **2.6 ENTRANCE TO THE UNIVERSITY TEACHER-TRAINING PROGRAMME (Art. 7.31 of the WHW)**

Before being admitted to the university teacher-training programme, an applicant must be in possession of a notice of admission. This notice is issued by the admissions committee on behalf of the EB. The EB determines the admission regulations. Admission takes place annually, but the minister may determine a maximum number of places available.

TU Delft offers the possibility for students to become fully qualified teachers of Mathematics, Physics, Chemistry or Computer Science. The programmes are at Master's level, and require a total of 120 credits for their completion. For candidates who have already obtained a relevant Master's degree, the requirement is a minimum of 60 credits.

Further information can be obtained from the office of the TU Delft 'Science Education and Communication' research group (tel. +31 15 2785594).

# Chapter 3

## Enrolment

### 3.1 ENROLMENT PROCEDURE (Art. 7.32, 7.33 and 7.37 of the WHW)

Anyone wishing to make use of TU Delft educational or examination facilities, or any other facilities relating to education, must be enrolled at this institution. Enrolment is also compulsory if a student participates in exams outside the TU Delft that make part of the examination programme, e.g. in case of internship or courses at other universities.

Students can enrol in a single degree programme and in principle for a full academic year. If, in exceptional cases, enrolment takes place in the course of an academic year, it will be valid for the remaining period of that year. It is not possible to enrol retroactively.

The enrolment conditions for a degree programme are:

- completion of sufficient prior education (see Chapter 2, Entrance and admission);
- submission of a request for enrolment (through Studielink);
- payment of tuition, examination or other fees;
- for external students: permission from the EB, which will be granted only if there is no objection on the grounds of the nature or interests of the programme;
- for holders of qualifications obtained outside the Netherlands: proof of sufficient knowledge of the Dutch language (except for Aerospace Engineering, NanoBiology and Applied Earth Sciences);
- possession of a valid residence permit.

The procedure of enrolling as a student at TU Delft is deemed to be complete as soon as the student receives his or her proof of enrolment, obtainable from Osiris Student. This states for which period of time and for which programme or programmes the student has enrolled.

In principle, first-time enrolment is only possible as of 1 September. Enrolment on 1 February is only possible on the basis of a reasoned request to the Central Student Administration (CSA) (in this case at [lateenrollment@tudelft.nl](mailto:lateenrollment@tudelft.nl)), and with the permission of the faculty. An example would be the case of a student needing to complete only components taught in the second semester. For candidates with an international bachelors degree enrolment is only possible as per September 1. A limited number of master programmes allow admission as per February 1. It is also possible to register for the HBO Architecture and Industrial Design bridging programme from 1 February since this programme is only offered in the second semester.

### 3.2 ENROLMENT AS A STUDENT (Art. 7.34 of the WHW)

A person enrolled as a student has the following rights:

- a) participation in education within the degree programme and in principle within TU Delft as a whole;
- b) participation in degree audits and examinations within the degree programme;
- c) access to the libraries, laboratories etc.;
- d) use of the student facilities;

- e) supervision, whereby the institution devotes particular care to those belonging to an ethnic or cultural minority;
- f) in the event of a decision by the minister or TU Delft to end the degree programme: the possibility to complete the programme within a reasonable period of time at TU Delft or at another higher education institution;
- g) entitlement to vote for and eligibility for election to university bodies.

### **3.3 ENROLMENT AS AN EXTERNAL STUDENT (Art. 7.36 WHW)**

A person enrolled as an external student has the following rights:

- a) participation in examinations/degree audits in the degree programme;
- b) access to university assemblies and organisations.

### **3.4 TERMINATION OF ENROLMENT (Art. 7.42 of the WHW)**

Requests for termination of enrolment must be submitted via Studielink. The EB has set down rules relating to the procedure. It is possible to have tuition fees refunded (see section 3.5.3), with the exception of fees for a bridging programme, the education module and examination fees.

Enrolment is only terminated under the following circumstances:

#### **a. By request**

Students may terminate their enrolment by submitting a request via Studielink: the termination will take effect at the start of the month following the month in which the request is made or at a later date.

#### **b. Failure to pay tuition fees after receiving a reminder**

Any student who fails to pay his or her tuition or examination fees after receiving a reminder may have their enrolment terminated with effect from the second month following the month in which the first reminder was issued.

#### **c. Binding recommendation on continuation of studies**

Following a negative recommendation on the continuation of studies, it is no longer possible to re-enrol in the same programme. This is set out in greater detail in the Implementation of the Binding Recommendation on Continuation of Studies (see Appendix 15 of this Student Charter and the TU Delft website).

#### **d. Serious fraud**

The Board of Examiners may propose the termination of the enrolment of any student committing serious fraud, to take effect from the month following the month in which the fraud is established. The procedure taken by the Board of Examiners is set down in more detail for each faculty in the Board of Examiners Rules and Guidelines.

#### **e. Serious misconduct**

The enrolment of any student who repeatedly commits acts of anti-social behaviour may be terminated with effect from the month following the month in which such acts are established. This is set out in greater detail in the TU Delft Regulations for the use of Buildings, Grounds and Facilities by Students and Visitors.

#### **f. In the event of death**

The enrolment of any student who dies is terminated with effect from the first day of the month following the month in which the death occurs.

#### **g. Lack of study progress**

1. A student in a premaster programme has to fulfil the complete premaster within two years. After these two years it is not possible to be subscribed in the programme. In special circumstances an extension can be granted by a maximum of one year.
2. In the case of inadequate study progress, the Modern Migration policy means that international students may no longer re-enrol for the subsequent academic year on the basis of a residence permit for study purposes from 1 September.

#### **3.5.1 PAYMENT OF TUITION FEES (Art. 7.43 to 7.47 of the WHW)**

One of the conditions for enrolment is the payment of tuition fees (for students), the fees (for bridging programme students or the education module) or examination fees (for external students). The fees due must be paid in full in advance. A standing order granted in advance authorising TU Delft to collect the payment from a bank account, either in one payment or in instalments, is also acceptable. Bridging programme students, students of the education programme and external students are not given the option to pay the tuition fees in instalments. International students may pay by monthly instalments from their second year of enrolment at the TU Delft.

The law distinguishes two types of tuition fee:

- the statutory tuition fee;
- the tuition fee determined by the institution (institutional rate).

In the 2017/2018 academic year, TU Delft will not be imposing different rates for students taking a second degree.

##### *The statutory rate*

The statutory tuition fee is set at €2.006 for the 2017/2018 academic year. The WHW and the Student Grant Act 2000 indicate which students are entitled to pay the statutory rate and for which students the institution may deviate from this rate.

##### *Institutional rate I*

Institutional rate I is the same as the statutory tuition fee rate (€2.006) and is valid for a few clearly specified categories of students (for example, refugee students).

##### *Institutional rate II*

In the 2016/2017 academic year, institutional rate II (€10,111) applies to all non-EU/EFTA nationals entering a Bachelor's degree programme at TU Delft.

In the 2016/2017 academic year, institutional rate III (€15,666) applies to all non-EU/EFTA nationals entering a Master's degree programme at TU Delft.

##### *Transitional rate*

Non-EU/EFTA students who enrolled in or between the 2011/2012 and 2015/2016 academic years and have been enrolled continuously in the same programme, are required to pay €8,923 for enrolment in the 2017/2018 academic year for a Bachelor's degree programme and €13,942 for a Master's degree programme. This transitional scheme will expire on 31 August 2019.

#### *Rate for part-time degree programmes*

The rate for the part-time degree programmes is €1,679 for the 2017/2018 academic year.

#### *Rate for external students*

The rate for enrolment as an external student from the EU is €6,000 for the 2017/2018 academic year. External students from outside the EU are required to pay Institutional rate II, (see above).

A detailed description of every category and all the conditions can be found in the Enrolment Policy 2017/2018 (Annex 1).

#### *Fees for bridging programmes*

Students who follow a bridging programme, whether from the EU or outside the EU, pay fees that are calculated on the basis of the number of ECs that they can obtain from the bridging programme. They pay a proportion of the statutory tuition fees, which must be paid in full before they begin the programme. No refund will be given or offset if the bridging programme is ended prematurely or altered. A new fee must be paid when following a second bridging programme.

#### *Education Module*

Participants in the Education Module (post-bachelor) pay a fee that is half the fee as for a general 60 EC programme. If the programme is not completed or if the candidate prematurely quits the programme there will not be a refund of the fee.

#### *Payment in instalments*

TU Delft offers the possibility of paying tuition fees by standing order in 12 instalments. The additional charge for payment in instalments is €24 for the 2017/2018 academic year.

This arrangement also applies to part-time tuition fees.

If it is not possible to debit tuition fees owing, the amount owing shall be added to the amount debited the following month. If it is still not possible to debit the fees owing in that month, access to the university network shall be blocked. The subsequent step shall be to engage a debt collection agency/bailiff, which shall also involve the imposition of collection and interest charges. Failure to make payment at this stage shall result in termination of the student's enrolment at TU Delft. However, the student in question will first receive two reminders.

Students with foreign degrees who wish to use the special services of TU Delft (such as visa application and accommodation) must pay the tuition fees before 1 July.

### **3.5.2 REDUCTION OF OR EXEMPTION FROM TUITION FEES (Art. 7.48 of the WHW)**

Reduction of or exemption from tuition fees is possible in the following cases:

- A student is eligible for a reduction in the tuition fee in the case of a second or subsequent enrolment in a paid institution for university education (WO) or higher professional education (HBO), with the exception of the Open University. This may be at the same or another university or a publicly funded institution for which a tuition fee is payable according to the Tuition Fee Act.
- If a person's enrolment as a student has been terminated and he or she has received a refund of part of the tuition fees (see section 3.5.3).

A student enrolling at the beginning of the second semester pays one twelfth of the full tuition fee for each month that he or she is actually enrolled. TU Delft also applies this to institutional tuition fees and part-time tuition fees.

### **3.5.3 REFUND OF TUITION FEES ON TERMINATION OF ENROLMENT (Art. 7.48 of the WHW)**

In the case of termination of enrolment, students are entitled to a refund of one-twelfth of the tuition fees for each month of the academic year that their enrolment would have entailed, with the exception of unenrolment in the months of July and/or August. No refund of tuition fees will be given if enrolment is terminated on 1 July or 1 August, and students must also pay tuition fees for July and August.

Examination fees, fees for the education module and fees paid by bridging programme students are non-refundable. A refund of all or part of the tuition fee is possible in the following cases:

- by request – because a student has graduated, for example;
- binding recommendation on the continuation of studies;
- in the event of death.

The EB determines the procedure regarding the payment of refunds. The student must submit a request to unenrol via Studielink. Tuition fees are automatically refunded in the case of the death of a student. If the enrolment of a student is terminated due to death with effect from July or August, the tuition fees will also be refunded. These regulations only apply on legal grounds to the statutory tuition fee. However, TU Delft also applies them to the tuition fees determined by the institution itself.

### **3.6 COMPENSATION FOR/BACK-PAYMENT OF TUITION/EXAMINATION FEES (Art. 15.2 of the WHW)**

A person wishing to receive a certificate as proof of a successful degree audit in a particular academic year must submit a request to the EB. If it is established that in any year he or she has not been correctly enrolled but has nevertheless received tuition and/or taken examinations, the EB may rule that the certificate may only be awarded after the tuition and/or examination fee has been paid.

A person who is not enrolled but makes use of educational or examination facilities is required to pay compensation. At TU Delft this is set at €100 for each month that the person should rightfully have been enrolled plus the tuition fees owing for this period.

### **3.7 ENROLMENT POLICY**

TU Delft defines its enrolment policy annually (see Appendix 1). This policy determines the rules that apply to enrolment and tuition fee rates. Naturally these rules may not deviate from the stipulations of the law. Where the law prescribes a particular course, this is followed. Where policy may be made freely, it is determined by TU Delft. The enrolment policy details the rules applied by the university.

# Chapter 4

## Graduation support

### 4.1 GRADUATION SUPPORT ACCORDING TO ART. 7.51 OF THE WHW

Students who experience a delay in the progress of their study due to certain exceptional circumstances during the time that they receive a performance-related grant may apply for financial assistance from TU Delft. In the case of international students, the delay in their studies must have occurred during their nominal study duration: 36 months for Bachelor's programmes and 24 months for Master's programmes. This derives from a legal provision, Art. 7.51 of the WHW. This article forms the basis of the graduation support which students can receive both in case of a situation beyond their control, such as illness or pregnancy, and of recognised administrative activities. Top-level athletes may also be eligible for this scheme.

Appendix 2a to this charter contains the Graduation Support Scheme (RAS), which includes the TU Delft interpretation of the legal regulations regarding graduation support. This Appendix also lists the activities that TU Delft recognises as administrative activities for which financial assistance can be obtained ('Guarantee Month List'). The RAS has been modified on several occasions, most recently on 1 September 2017. As of 1 September 2014, the Guarantee Month List also includes the possibility of 'committee months' with a fixed payment of €120. Study progress requirements will also be tightened. With effect from 1 September 2017, a number of changes have been introduced which concern students that would like to apply for support from the RAS scheme based upon unforeseen and special circumstances beyond one's control. Demands have been formulated about how to report on these circumstances. The number of months for which the support can be given is maximised to 12 months. Appendix 2a (RAS) will be withdrawn partly as per September 1st, 2017 (see section 4.10). As from September 1st 2018 the complete Appendix 2a (RAS) will be withdrawn. Instead a new set of regulations will come into place (Appendix 2b, Profiling Fund Scheme) These regulations are valid as of September 1, 2018. In this regulation, chapter III, paragraphs 1 and 2 concern acknowledgment of student unions and upon the division of the financial contributions. This set of rules are applied as of September 1st, 2017, for applications for support mentioned in the previous sentence and when they are applicable to support for the study year 2018/2019.

### 4.2 EXCEPTIONAL CIRCUMSTANCES

Students may experience a delay in the progress of their studies due to unforeseen circumstances (e.g. illness, exceptional family circumstances, circumstances beyond their control) or foreseen circumstances (e.g. administrative activities). Students who are faced with circumstances beyond their control or are considering undertaking administrative activities can first ask the academic counsellor of their department/faculty for information and advice on possibilities for financial assistance and the procedures to be followed both within TU Delft (RAS) and beyond it (such as DUO procedures for chronic illness or disability). International students who do not receive a performance-related grant may also be eligible for graduation support. Students who are affected by circumstances beyond their control receive a maximum of 12 months' support..

#### *Illness (or pregnancy)*

During the academic year, a student may miss all or part of a module or examination due to illness. In all cases, the student is obliged to contact the academic counsellor as soon as possible. The counsellor will first do everything possible to prevent the student experiencing a delay due to the period of illness. If the delay cannot be avoided or made up, it is possible for the student to receive financial compensation through the RAS (see section 4.3).



#### *Physical, sensory or other functional disorders*

These exceptional circumstances may include physical disability, chronic illness or dyslexia. For students with a functional disorder, a variety of facilities exist within TU Delft. Students can obtain information on these facilities from the academic counsellor of their department/faculty, and also from the student deans from the Career & Counselling Services (C&CS) (see section 8.4). The DUO also has separate regulations for this group of students (see section 4.9).

#### *Exceptional family circumstances*

A serious event within the family, such as the death of a close family member, can lead to a delay in the progress of study. In this situation, the academic counsellor is also the first point of contact to prevent a delay and potentially to discuss the possibility of financial assistance. If they wish, students can also approach C&CS (see section 8.4) to obtain help and advice with the problem they are experiencing.

#### *An insufficiently 'studiable' degree programme*

An insufficiently 'studiable' degree programme is also referred to as a situation of 'educational circumstances beyond a student's control'. The degree programme is devised in such a way that the student cannot reasonably be expected to have been able to successfully complete the final examination within the period allocated, for example because it is no longer possible to take or complete certain modules or if examinations do not follow on from each other appropriately. Educational circumstances beyond the student's control may also occur if the degree programme is devised in such a way that it is not possible for the student to follow a 'studiable' programme. In this case the student's delay can be attributed wholly or partly to shortcomings in the educational quality of the degree programme. The WHW states that the delay to a student's studies must be the result of the way in which the university actually organises the programme.

If it is deemed that educational circumstances beyond the student's control apply, an investigation shall be conducted into the question of whether the cause of the delay was partly the student's own responsibility or whether it was caused by the programme, as well as whether the academic counsellor was informed in a timely fashion. It is possible that the delay could have been limited.

#### *Administrative activities*

TU Delft recognises a wide range of administrative activities as grounds for financial compensation via the RAS. For further details, see section 4.6. It should be noted that TU Delft sets a number of preconditions for students seeking to engage in administrative activities. Full-time administrative activities may not be carried out during the first and second years of any Bachelor's programme. The RAS includes study progress requirements.

#### *Hardship clause*

Finally, the RAS includes a remainder category of circumstances leading to students experiencing a delay in the progress of their study, other than those mentioned above. Financial support from the EB may subsequently be forthcoming in cases where refusal could be considered 'clearly unfair'.

### **4.3 PRIOR CONSULTATION WITH THE ACADEMIC COUNSELLOR**

Students have to discuss delayed progress with their academic counsellor at an early stage. In case of circumstances beyond one's control the student has to report to the student counsellor as soon as possible, ultimately three months after the event has taken place. Students wishing to apply for financial assistance as a result of circumstances beyond their control (for example illness), in order to be able to compete at top-level sporting events, or due to the acceptance of a full-time administrative position are obliged to discuss this with their academic counsellor.

The academic counsellor will discuss the consequences of the delay in progress. In doing so, the counsellor will take the timetable of the student's degree programme into consideration; for example, if an examination period is missed as the result of illness, the counsellor will take this into account. The academic counsellor will also discuss whether the delay can be made up in the remaining study time available, and if so, how this may be achieved. An application for financial assistance for the duration of the delay can then be submitted to the EB. Declarations by experts must be included, for example, in the case of illness a medical certificate, and in the case of psychological problems a certificate from a psychologist.

If the delay is expected to last longer than six months, the academic counsellor will discuss the possibility of terminating enrolment. If a student has not contacted the academic counsellor or has not followed the counsellor's advice, the application for financial assistance may be rejected fully or in part.

#### **4.4 APPLICATION PROCEDURE AND PAYMENT**

TU Delft students who, as a result of circumstances described in section 4.2, have experienced a delay in the progress of their studies can – with or without prior consultation with an academic counsellor – submit an application for financial assistance.

Formally, this application must be submitted to the EB but in practice it may be submitted to the Central Student Administration (CSA). The CSA is responsible for the administration of graduation support and it also runs the office of the committee that makes recommendations on awarding financial assistance, the Central Committee for Financial Assistance (CCFO).

The applications are made using a standard form, available from the CSA and academic counsellors.

If, after the committee has made its recommendation, the delay in the progress of the student's studies is acknowledged and the application is accepted, the student must still submit a separate application to receive payment for the approved months at the relevant time. In principle, graduation support is paid directly following the period in which the performance-related grant is received. In the case of international students, the nominal study duration is the determining factor. This means that, in most cases, the application for payment is submitted no later than the end of the fifth year. Bearing in mind the time needed for administrative processing, it is wise to submit the application several months before the period of the performance-related grant or nominal study duration expires. This guarantees that the payment will follow on from the period of the student grant or nominal study duration without delay. If the application is submitted after the end of the period in question, the student will receive assistance as of the first day of the month in which the application is made. No payment will be made for any months that have already passed in which the student was not in receipt of a basic grant. The only condition attached to the payment of graduation support is that the student is enrolled at TU Delft. Payments are always made in monthly instalments, unless they relate to 'committee months', in which case they are be paid out in a single lump sum. Assistance for an acknowledged delay in student progress or for guarantee months is generally paid in monthly instalments when the period of the performance-related grant or, in the case of international students, the nominal study period has come to an end.

Students will receive, if they wish, a declaration from TU Delft confirming the decision to acknowledge a delay in their studies as well as the duration of the delay and a description of the administrative activities carried out.

The extent of the financial assistance to be paid shall be equal to the performance-related grant according to Section 5 of the Student Grant Act 2000 (WSF 2000), although in the case of students carrying out administrative activities, this is 90% of that amount. This percentage applies to individual applications for acknowledgement that were submitted after 1 September 2010. For committee months, there is a fixed monthly contribution of €120.

If the student has transferred to TU Delft from another university and his or her application for financial assistance has been accepted by this university, in certain cases he or she may receive assistance from TU Delft at the point at which this becomes applicable. The assistance shall be granted according to the conditions that apply at TU Delft.

Graduation support can also be granted to international students, thus students who are not eligible for student grants or loans because of their nationality. The RAS applies the term 'nominal study duration' to this. For students who are eligible for student grants and loans on the basis of the performance-related grant, the instalments laid down in the WSF 2000 apply. For the RAS these instalments are equated with the nominal study duration. This ensures that a student's nationality does not prevent him or her from being granted graduation support. In the case of circumstances beyond the student's control as well as administrative positions, assistance may be claimed under the RAS during the first five years of enrolment in higher education.

Under fiscal legislation, payments within the scope of the RAS (including guarantee months) are tax free. They do, however, count as a threshold for the deduction of study expenses. For this reason, TU Delft informs the tax authorities of any payments made.

#### **4.5 ADMINISTRATIVE ACTIVITIES**

In Art. 7.51, para. 2 (subsections a and b) of the WHW, administrative activities are described as:

- Membership of the Student Council (at central or faculty level), the administration of a degree programme or a Board of Studies as well as membership of a foundation whose objective is the operation of student facilities or a body judged equivalent by the EB;
- other activities of an administrative or social nature which, in the judgement of the university administration, help serve the interests of the university or the educational field in which the student is studying (for example, being a member of the Freshman Week [OWee] working group).

TU Delft considers it important to provide financial compensation, in whole or in part, to students who conduct administrative activities. As of the 2008/2009 academic year, the system for supporting administrative activities takes the form of guarantee months, as described in the RAS (Guarantee Month List). Beginning 1 September 2014, committee months that relate to administrative activities lasting a number of months are also included on the guarantee months list.

In the annual allocation of guarantee months, TU Delft utilises a system of boxes. The distribution of guarantee months over the boxes and the clubs and organisations is detailed in the Guarantee Month List (see Appendix 2a and 2b).

Box 1: social clubs

Box 2: student societies and other degree programme-related associations

Box 3: sports and culture clubs

Box 4: administration and representation of student interests

Box 5: projects

##### *Social clubs (box 1)*

For the distribution of the months within box 1, social clubs, the criterion is the number of members. The club must have at least 75 members, of which at least 75% are students at TU Delft or at a university of applied sciences (HBO) (in the region). The clubs must also have so-called 'entitlement to rights' and be registered with the Chamber of Commerce. Recognised clubs receive an annual allocation of months from TU Delft, which they may distribute among their various full-time or part-time administrative positions at their own discretion, or reserve as extra guarantee months for anniversary-related activities.

#### *Student societies (box 2)*

Box 2 comprises the graduation support pertaining to administrative activities within student societies. For the student societies, distribution is based on the number of students enrolled in the department or faculty. In contrast to social clubs, the number of full-time administrative positions is predetermined, although exceptions may be made if a written request for redistribution of guarantee months is submitted to the EB.

#### *Sports and culture clubs (box 3)*

The distribution of guarantee months within box 3, sports and culture clubs, takes into account both the number of members and the number of hours necessary to fulfil each position. Within the recognition procedure set down in the RAS, advisory roles are granted to the Students Sport Delft foundation (SSD) and the head of Sports & Culture at TU Delft.

#### *Administration and representation of student interests (box 4)*

There are a range of posts within TU Delft that represent students in decision making at the university. Students may be elected to sit on the central or faculty student councils. TU Delft also supports administrative activities in the interest of the organisation and administration of the university itself. These include the Freshman Week (OWee) board or the board of the Delft Student Union (VSSD).

#### *Projects (box 5)*

As of the 2008/2009 academic year, students can also receive assistance for activities conducted within projects at TU Delft or elsewhere that are of major benefit both to the university's reputation and the academic development of the student in question. This will be assessed by a special D-Dreams committee (previously the Stevin 1 Steering Committee), which will advise the EB on the approval of projects.

Other conditions for awarding guarantee months are that the activities:

- fall within the scope of TU Delft's primary activities (education and research);
- are not otherwise eligible for financial support;
- result in a delay in the progress of the students' studies of at least 3 months/
- are submitted for approval via an application in advance;
- do not yield any credits for the participating students.

As a rule, it will generally be considered whether the activities could be a component of the student's degree programme; if this is not possible, guarantee months will be awarded on the basis of the student's active involvement in the project.

## **4.7 TOP-LEVEL SPORT**

A student is considered to be participating in top-level sport if he or she competes or is preparing to compete in national or international championships. A condition is that the level of sporting achievement qualifies as top-level sport according to the Olympic Network Den Haag/Haaglanden (Netherlands Olympic Committee\*Netherlands Sports Federation (NOC\*NSF)). With regard to the allocation of graduation support for students participating in top-level sports, TU Delft applies set criteria which can be found in the top-level sports policy of the TU Delft. More information is available from the academic counsellor and the top-level sports coordinator. See also section 8.5.

#### **4.8 OTHER TU DELFT FUNDS**

Finally, TU Delft offers the possibility in some cases to apply to a specific fund with a defined objective. Examples of such funds are the University Fund and the Emergency Fund. In certain cases, it is also possible for student activities to be subsidised. Information can be obtained from the CSA and from C&CS.

#### **4.9 DUO SPECIAL PROCEDURES**

If, as a result of a physical or psychological disorder, a student is unable to take the final degree audit within the period of the performance-related grant, he or she can ask the DUO for financial support.

The student applies to the DUO for this support using the 'request for the provision of a performance-related grant' form ('Verzoek Voorziening Prestatiebeurs'), which is available from the CSA and from the faculty academic counsellors. The application must include a medical certificate from a university-contracted doctor or psychologist, plus a declaration from the EB. The first point of contact to initiate this procedure is the academic counsellor.

An application for financial support can usually only be submitted after a minimum of two years of study at TU Delft. Only then is it sufficiently possible to establish whether the disorder or chronic illness has actually led to a delay that cannot be made up within the period of the performance-related grant.

As a rule, an application for support by DUO on the grounds of a functional disorder does automatically lead to an extension of the ten-year period available for the completion of studies. However, this period may be extended by the duration of the exceptional circumstances responsible for the delay in the progress of the student's studies. In the case of a chronic disorder leading to disability, as defined in the Disablement Assistance Act for Handicapped Young Persons (Wajong), the DUO may actually convert the performance-related loan into a gift without a degree having been obtained.

If a student is faced with a structural (chronic) set of exceptional circumstances (either medical or non-medical) that prevent him or her from being able to obtain a degree within ten years, then it is possible to request a one-off 60-month extension of the period available for completion of studies. Should the student obtain his or her diploma during this extended period, the performance-related grant will be converted into a gift.

#### **4.10 PROFILING FUND SCHEME**

As of September 1, 2018 the Ras (appendix 2a) will be replaced by the Profileringsfonds (app. 2b). This new set of regulations contains an elaboration of the legal rules concerning financial support for students from the TU Delft in case of acknowledged study delay. Chapter 3 sections 1 and 2 of these regulations concern the acknowledgement of various student unions and the support for various administrative activities and contribution to student committees. These rules will be effective as of September 1 2017 as far as these rules apply to the applications for support for the study year 2018/2019.

Paragraph 1 of chapter 3 it is explained how organisations and unions can obtain a formal acknowledgement within the scope of the regulations under the condition that they confer to the demands and obligations, set down in the regulations. The organisations and unions have to apply each year for this support. Paragraph 2 of chapter 3 explains how each year the finding is distributed over the various applicants.

# Chapter 5

## Facilities regulation

TU Delft contributes in many ways to the welfare and education of all students, in all facets of university life. This is part of the university's statutory mission, as laid down in Art. 1.4, para. 3 of the WHW. The provision of services to students and the facilitation of student organisations are tools that serve this objective. The updated facilities regulation focuses on the latter tool: providing support for student organisations. The objective of the facilities regulation is to enable student organisations to operate on a financially-sound basis. The organisations represent students' interests, mediate in internship and graduation assignments, and create social ties between international students among themselves or with the university in generally (standard grant). The regulation also provides cash allowances for new student initiatives (innovation grant).

The regulation compensates student organisations for rent and office expenses (Appendix 14, Art. 5). The regulation does not cover participatory councils, student associations or the sports/cultural activities of student organisations; TU Delft has separate arrangements for these purposes, such as the RAS (allowance for expenses related to membership in participatory council, the board of a student association or other body) and the sponsorship scheme for sports/cultural events. See Art. 2.

The eligibility criteria for financial compensation are clearly set out (Art. 4 and 6), as is the way in which the available budget is distributed among the officially-recognised student organisations (Art. 3). The criteria are specifically defined in Art. 4. Criterion f ('not financially self-reliant') should be taken to mean: no commercial exploitation. The criteria for innovation grants in Art. 6 require a more discretionary assessment by the EB, thereby giving the board a certain measure of freedom in its allocation decisions. In principle, the innovation grant is a one-off grant for an innovative initiative, but can also serve as a start-up grant for new initiatives that may later become integrated into the fabric of university life. This is why Art. 7, para. 2 provides for a potential continuation grant, but the student organisation in question must demonstrate that it is capable of organising valuable activities into the future, and by doing so eventually become eligible for a standard grant.

Organisations are asked to submit their plans and budget (Art. 7) beforehand as well as their post-activity balance (Art. 10), which will lead to a more solid relationship between the partners in the grant process.

A maximum budget of €60,000 is available for the regulation, of which 75% will be allocated for grants for existing student organisations or their initiatives, and 25% will be made available for new initiatives of student organisations. The budget for standard grants will be allocated proportionally. Applications for innovation grants will be assessed with a specific focus on the degree to which the initiative addresses the common good of the university community (see Art. 3). Applications may be submitted to the Central Student Administration (see [csa.tudelft.nl](http://csa.tudelft.nl)). The formal decision will be taken by or on behalf of the EB. Budgetary insolvency is one of the potential grounds for declining an application (Art. 7).

# Chapter 6

## Education

### **6.1 TYPES OF DEGREE PROGRAMMES** (Art. 7.7 and 7.13 para. 2 subsections i and t of the WHW)

Degree programmes may have a full-time, part-time or work-study structure. All degree programmes at TU Delft have full-time versions. Only the Master's degree in Science Education & Communication is available as a part-time programme.

TU Delft has no work-study programmes.

The Dean determines the structure of degree programmes in the Teaching and Examination Regulations (OER) and Implementation Regulations (UR). If it is not stipulated in the OER, participation in education is not compulsory. A student who, for example, does not attend lectures may not be disadvantaged in relation to students who do. The stipulation that participation in practical exercises is compulsory may be included in the OER.

All Bachelor's degree programmes at TU Delft have a major/minor structure. A minor forms a coherent whole comprising modules, generally to a value of 30 credits in the first semester of the third year of the Bachelor's degree programme. Only the joint degree programme in Clinical Technology has a minor with a value of 15 credits. TU Delft has thematic and individual minors. The individual minors can be bridging minors or free minors. Students can choose from a wide variety of minors, which can be found at [www.minors.tudelft.nl](http://www.minors.tudelft.nl).

Enrolment for a minor is compulsory.

### **6.2 STUDY LOAD AND CREDITS** (Art. 7.3 and 7.4a of the WHW)

Each degree programme consists of units of study, referred to as modules at TU Delft. The study load of each programme and each module is expressed in credits according to the European Credit Transfer System (ECTS). A credit is equal to 28 hours of study, as required by an average student. The study load for the Bachelor's degree programmes at TU Delft is 180 credits and for the Master's degree programmes 120 credits. The master programme Technical Medicine constitutes of 180 EC.

The OER/UR states the study load both for the degree programme as a whole and for its individual modules.

### **6.3 EXAMINATIONS AND DEGREE AUDITS** (Art. 7.3, 7.8, 7.10, 7.11, 7.12 and 7.13 of the WHW)

There is an examination for each unit of study. An examination is an investigation into the knowledge, insight and skills of the student. This investigation leads to an assessment: a student is deemed to have passed or failed. The Board of Examiners can give the examiners guidelines and instructions on how a candidate should be assessed and how the examination result should be determined.

The board's rules and guidelines state that students must enrol for any examination they want to sit. Students who fail to do so in time cannot take the examination in question.

The OER specifies how and for what period students are permitted to view their work after it has been assessed. If all examinations within a degree programme have been successfully completed or, if this is not the case, this has been sufficiently compensated for in line with the faculty's OER (see the programme-related part of this charter), the degree audit of the programme as a whole (or a particular phase thereof) is deemed to have been passed, unless the Board of Examiners stipulates that the audit is to include a further assessment by the board itself (for example, a paper that must be publicly defended).

Students who meet the requirements of a degree audit receive as proof a certificate, which states the components of the audit and any qualifications associated with the certificate. Students who have passed at least two examinations but have not met all the requirements of the degree audit of which the examinations form a part, may on request receive a declaration from the Board of Examiners stating which examinations have been passed:

Each degree programme must have at least one degree audit that concludes the programme. This is a statutory requirement and is referred to legally as the 'final degree audit'.

The OER stipulates the degree audits associated with each degree programme. Students may compile their own curriculum from components, which is concluded with a degree audit. If the Board of Examiners approves the curriculum, it will also indicate under which degree programme it falls: this is referred to as a 'flexible degree audit'.

In its regulations and guidelines, the Board of Examiners of a degree programme lays down rules for proper procedure during examinations and determines the measures to be taken in relation to this procedure. In the case of fraud on the part of a student, these measures may entail the revocation of his or her right to take one or more specified degree audits or examinations at the institution during a period determined by the Board of Examiners up to a maximum of one year.

#### **6.4 THE 'STUDIABILITY' OF A PROGRAMME AND THE QUALITY OF EDUCATION (Art. 7.13, 7.14, 7.15 and 1.18 of the WHW)**

Students have the right to a 'studiable' programme. This right translates legally into an obligation on the part of the university to structure a degree programme in such a way that students may reasonably be expected to be able to graduate within the period of the programme. The OER must be regularly assessed, including the time required for the study load. This is the responsibility of the dean of the faculty. The EB publishes the OER and an overview of the degree programmes in good time for the beginning of the academic year. The form of this overview must be such that prospective students are able to form a clear judgement of the content and structure of the degree programme and degree audits. This includes the available degree programmes, the outline of the OER, and the recommendation regarding the continuation of studies that must be issued at the end of the first year of enrolment.

Partly with a view to the study recommendation referred to above, the first year of the programme must be structured in such a way that students are able to form an overview of the content of the programme as a whole. This will also help students make a well-considered decision on whether or not to continue with the degree programme. The quality of education at TU Delft is assessed every six years during the accreditation of the curriculum by independent specialists.

If, as a result of the structure of the programme, a student experiences a delay in his or her progress he or she may, on certain conditions (see the RAS and Art. 7.51 of the WHW), apply for financial compensation.

#### **6.5 STUDY SUPERVISION AND MONITORING STUDENT PROGRESS (Art. 7.34, 7.13 para. 2 subsection u and 7.9 para. 3 of the WHW)**

Potential students will be well informed about factors that lead to success at the university.

Enrolled students are entitled to supervision in their studies, taking into consideration their personal circumstances, including their ethnic or cultural background. TU Delft will ensure that students receive proper support and guidance in making choices regarding their studies. As well as being entitled to supervision, students are also entitled to use the services of the central student counsellor. The details of the entitlement to supervision and monitoring student progress are included in the OER. A programme's academic counsellor fulfils an important role both in individual supervision and in monitoring progress.



## **6.6 STUDY RECOMMENDATION AT THE END OF THE FIRST ACADEMIC YEAR** (Art. 7.8b of the WHW)

In March, first-year students receive a preliminary recommendation on continuing their studies. They receive a binding recommendation in early August, which will be negative if they have earned fewer than 45 credits from the first-year programme. Students who still have fewer than 45 credits after the August exam resits receive a negative binding recommendation on continuation of studies no later than 31 August and are unenrolled. The exclusion from the programme in question will apply for a period of four years.

There is a fixed procedure for dealing with exemptions, special circumstances and students who have entered the programme later. Students who receive a negative recommendation will at their request be actively supervised in seeking a more suitable degree programme either at TU Delft or elsewhere. Students may continue to make use of the academic guidance and supervision facilities for a period of one year. Appendix 15 contains more information on this topic.

## **6.7 TEACHING IN DUTCH** (Art. 7.2 of the WHW)

The tuition in most Bachelor's programmes is given in Dutch. However, course material is often in English. Exceptions to the use of Dutch as the language of instruction may be made in the following cases:

- a degree programme in a foreign language;
- a guest lecture by a non-Dutch speaking lecturer;
- if necessary due to the specific nature, structure or quality of the tuition, or the origin of the students, in accordance with a code of conduct to be drawn up by the EB.

The Aerospace Engineering, NanoBiology and Applied Earth Sciences programmes are taught entirely in English.

The tuition in the Master's programmes is given in English.

This is regulated by the 'Code of Conduct for the use of English' drawn up by the EB and included as Appendix 12 to this charter.

## **6.8 FACILITIES FOR STUDENTS WITH A DISABILITY** (Art. 7.13 para. 2 subsection m of the WHW)

Students with a disability are defined as students with a condition of a chronic or permanent nature (at least for the time being) that represent a structural impediment to studying or taking exams. Examples are all motor, sensory or psychological handicaps, as well as functional disorders like dyslexia, RSI, chronic fatigue, depression, chronic illnesses, etc.). Students with a disability often experience a delay in their study progress as a result. Due to the effects of their disability, they are often able to spend less time and energy on their studies than the average student. TU Delft is therefore provides facilities to make it possible, within reason, for students with a disability to participate in education and examinations.

Regarding the facilities for students with a disability, the following three areas can be distinguished:

- access to the university buildings;
- the structure of the programmes;
- adaptations to the way examinations are taken.

Students who wish to make use of these additional facilities for students with a disability should contact a student counsellor. The student must provide a medical certificate stating the nature and extent of the disability. An additional condition is that the application should be made in sufficient time for the requested facilities to be realised.

## **6.9 TITLES** (Art. 7.19a and 7.20 of the WHW)

Those who have passed the Bachelor's degree audit are granted the degree of 'Bachelor of Science' and are thus entitled to use the title 'Bachelor of Science', abbreviated as BSc after their name. Those who have passed TU Delft's Master's degree audit are granted the 'Master of Science' degree and may use the title 'Master of Science', abbreviated as MSc, after their name. For all Master's degree programmes in the technology domain in the Central Register of Higher Education Degree Programmes (CROHO), those who have met the requirements of the Master's degree audit are also entitled to use the Dutch title ingenieur, abbreviated as ir. before their name. When using a title, a choice must be made between the use of ir. before the name or MSc after the name. Most of TU Delft's Master's degree programmes are in the technology domain. The MSc programmes in Science Education and Communication (domain education) and the MSc programme Technical Medicine (domain Health) are not in the technology domain, hence those who have obtained their diploma in these masters are not allowed to use the title "Ingenieur".

## **6.10 SUPPLEMENT TO THE DEGREE CERTIFICATE** (Art. 7.11 para. 4 of the WHW)

Each degree certificate for a TU Delft Bachelor's or Master's degree programme is accompanied by a supplement. This supplement satisfies international standards and serves to provide further information about the degree certificate in a uniform manner. The supplement includes the title awarded to the student, the admission requirements and final qualifications for the programmes and the results achieved by the student for the units of study (modules).

## **6.11 TEACHING AND EXAMINATION REGULATIONS (OER)** (Art. 7.13, 7.25, 7.28 and 7.29 of the WHW)

The OER is a set of regulations to be determined by the Dean of the faculty for each degree programme or group of degree programmes, in compliance with Art. 9.38 subsection b of the WHW. The Act stipulates that a number of matters must at least be included in the OER, mainly for the legal certainty of the student. These matters are summarised chiefly in Art. 7.13, para. 2 of the WHW:

- the content of the degree programme and of the associated degree audits (a);
- the content of the major within a degree programme (b);
- the quality of knowledge, insight and skills that the student must have acquired by the end of the programme (c);
- where necessary, the design of practical exercises (d);
- the study load of the programme as a whole and of the individual modules (e);
- the rules on the first-year binding study recommendation (BSA) and referral to the subsequent phase of study (f);
- the degree programmes to which a study load greater than 240 ECs should apply or for which a preliminary degree phase should be introduced (g);
- the number and frequency of examinations as well as the times at which they may be taken (h);
- the full-time, part-time or work-study structure of degree programmes (i);
- where relevant, the order in which examinations and degree audits are taken, the periods within which they are held, and number of times per year they are held (j);
- where relevant, the period for which the result of an examination that has been passed remains valid, at least where a limitation of this period is necessary. The legislator assumes that the result of an examination remains valid for an unlimited period unless the OER stipulates otherwise, in which case the grounds for the limitation must be well founded (k);
- whether the examinations are to be oral, written or taken in another way, bearing in mind that the Board of Examiners is authorised to determine otherwise in special cases (l);
- the way in which students with a physical or sensory disability are able to take examinations (m);

- the public nature of oral examinations, bearing in mind that the Board of Examiners may determine otherwise in special cases (n);
- the period within which the results of examinations are to be issued, whether exceptions may be made to this period, and if so on what grounds (o);
- how and when a student who has taken a written examination may have the opportunity to view his or her work once it has been assessed (p);
- the term within which a student may view the questions of an examination he or she has taken, and the assessment criteria that have been applied, and how this may take place (q);
- on the grounds of which examinations passed elsewhere in higher education, and of which knowledge or skills acquired outside higher education a student may be granted exemption from examinations (r);
- where relevant, passing examinations is a precondition for a student to be allowed to take subsequent examinations (s);
- if the degree programme includes a laboratory course, it must be determined whether a student's participation in the laboratory course is compulsory for him or her to be able to take certain examinations. The Board of Examiners retains the right to exempt students from laboratory courses or to impose alternative requirements. This may relate to alternatives to performing tests on humans or animals, for example (t);
- monitoring of student progress and individual supervision for students (u);
- if applicable: the manner in which students are selected for a special track within a programme (v), and
- the actual programme design (x).

The OER also includes:

- the requirements in the university entrance examination (colloquium doctum) (Art. 7.29 of the WHW);
- the compulsory subjects that must have been studied in pre-university education (VWO or equivalent) (Art. 7.25 and 7.28, para. 5 of the WHW).

The OERs are drawn up by the faculties on the basis of a model OER drafted by the EB both for the Bachelor's and Master's phases.

The programmes add Implementation Regulations (UR) to the OER, containing more programme-specific information.

## **6.12 PROCEDURE FOR THE RATIFICATION OF THE OER** (Art. 9.38 and 9.18 of the WHW)

Before the Dean ratifies the OER, the Board of Studies (see 7.5) makes recommendations concerning the (renewed) regulations. The Board of Studies sends a copy of its recommendations to the Faculty Student Council. The Faculty Student Council is asked to approve the OER (with the exception of the subjects referred to in Art. 7.13 para. 2 subsections a to g and the provisions of Art. 7.13 para.). The Dean then ratifies the OER.

## **6.13 OTHER STIPULATIONS REGARDING DEGREE AUDITS AND EXAMINATIONS** (Art. 7.2, 7.23, 7.24, 7.28, 7.29, 7.34 and 7.36 of the WHW)

Only persons who meet the admission requirements for the degree programme concerned and who are enrolled at the university as a student or external student are entitled to take examinations and degree audits.

## 6.14 THE TU DELFT HONOURS PROGRAMME

Bachelor's and Master's students who are capable of more than what is prescribed by the study programme can take part in the Delft Honours Programme, a supplementary, extracurricular programme for students who perform at an above-average level, perform independent research and/or projects and who take the initiative themselves. A large part of this programme is designed by the student. In addition, the student will take modules and participate in projects with students from other faculties and may take part in a range of activities with others in the Honours Community. The programme consists of at least 20 ECs and, if completed successfully, the student will receive a certificate. For both the Bachelor's Honours Programme and the Master's Honours Programme, it is necessary to apply to the faculty Honours coordinator. Admission is on the basis of grades achieved and motivation.

# Chapters 7

## Student and Staff Representation

### 7.1 MODERNISATION OF UNIVERSITY MANAGERIAL ORGANISATION ACT

The Modernisation of University Managerial Organisation Act (MUB) (Bulletin of Acts and Decrees 1997, no. 117) has been in force since 28 February 1997. The university is administrated by the EB. It is the task of the Supervisory Board to oversee the administration of the university as a whole. At the head of each faculty is the Dean of the Faculty. A director of studies is appointed to administrate each degree programme.

There is a system of student and staff representation. The EB is legally obliged to select a system of representation that applies at the university. For TU Delft, the EB has opted for the so-called 'divided system of representation'. For staff, representation is regulated according to the Works Council Act (WOR). At the institutional level, there is a central Works Council; at faculty level, subcommittees are established by the Works Council. For student representation, there are student councils at the institutional and faculty levels. The legal provisions for student representation can be found in Section 9, title 2 of the WHW.

### 7.2 STUDENT COUNCILS

The authority of the Central Student Council is described below in section 7.3. In addition to their rights established by law, faculty student councils may be granted extra rights in the faculty regulations. These extra rights are described in the programme-related part of the charter, as are the legal rights.

### 7.3 CENTRAL STUDENT COUNCIL (Art. 9.30a et seq. of the WHW)

The Student Council has the following rights:

- advisory powers;
- right of approval;
- the right to make proposals and make its views known;
- the right to information.

The advisory powers relate at minimum to:

- the budget, which should include the level of the institutional tuition fees, among other things;
- all matters concerning the continued existence of and proper procedure within the university;
- the code of conduct for the use of foreign languages;
- the binding recommendation on the continuation of studies;
- numerus clausus applications;
- the regulations governing the Examination Appeals Board;
- student facilities (including housing);
- TU Delft policy regarding academic staff, where this directly affects education;
- policy regarding institutional tuition fees;
- the arrangements for refunding statutory tuition fees.

The right of approval relates to 'determining and amending':

- the Student Charter;
- the RAS, and the policies in relation to their application;
- the rules governing working conditions;
- the choice of representation systems, as referred to in Art. 9.30, para. 1 of the WHW;
- the regulations governing the Student Council.

The joint meeting of the Works Council and the student council has right of approval regarding:

- the strategic plan, as well as the policy proposed in the light of the results of the quality assessment referred to in Art. 1.18 of the WHW;
- the Executive and Management Regulations;
- the structure of the quality control system, as well as the policy proposed in the light of the results of the quality assessment;
- the main features of the annual budget.

The Student Council Regulations indicate the subjects in respect of which the council has advisory powers and right of approval. The student council is entitled to make proposals and make its views known to the EB on all matters concerning the university. The EB must respond to such proposals within three months in the form of a written proposal, detailing its arguments. Before issuing this response, the EB must give the student council at least one opportunity for consultation on the proposal. The EB must provide the student council with all information that it reasonably requires to carry out its duties.

The EB must inform the student council in writing at least once a year on:

- the policy the EB has adopted during the past year;
- the policy intentions for the coming year that concern the university in the areas of finance, organisation and education.

The EB must immediately inform the student council of any intentions concerning matters described in the strategic plan. The student council must be consulted in confidence on the appointment and dismissal of members of the Supervisory Board and of the EB.

#### **7.4 FACULTY STUDENT COUNCIL (Art. 9.37 of the WHW)**

At TU Delft, the right to representation exists not just at the central level, but also at the faculty level. Faculty student councils are established to this end. In general, faculty student councils may be invoked regarding matters on which the dean may make decisions. Broadly speaking, where the student council has the right to participate on a particular matter on which the EB has authority, faculty student councils have advisory powers regarding equivalent subjects over which the dean has authority. The faculty student council thus has right of approval on the programme-related part of the Student Charter. In addition, the Faculty Student Council has advisory powers regarding topics for which the Dean is pre-eminently responsible, such as the faculty regulations and the Teaching and Examination Regulations. The faculty regulations detail the rights of the faculty student councils.

#### **7.5 BOARD OF STUDIES (Art. 9.18 of the WHW)**

A Board of Studies is established for each degree programme. Half of this board's members are students enrolled in the degree programme in question.

The Board of Studies advises the Director of Studies and the Dean on educational matters in the programme in question and on the OER and the implementation thereof. The Board of Studies submits a copy of its advice to the Faculty Student Council. A guide for the Boards of Studies is available on the TU Delft website.

# Chapter 8

## Student facilities

### 8.1 GENERAL

As well as its educational facilities, TU Delft also provides a number of other facilities for students. An important function of these facilities is to prevent or remove any impediment to student progress. To this end, for example, all faculties employ academic counsellors who may be consulted for information and help concerning a wide variety of educational matters. The right to supervision by academic counsellors and lecturers is explained in the programme-related part of the charter, the OER.

Furthermore, at central level there are a number of officials who can provide help and guidance in a variety of areas. Their work falls within the scope of the Student and Staff Facilities (SDV) and Career & Counselling Services team (C&CS), both within the directorate Education & Student Administration.

E&SA is also responsible for facilities of a somewhat different nature, such as the CSA, the International Office, and the Sports & Culture Division (for an overview, see [www.os.tudelft.nl](http://www.os.tudelft.nl)).

### 8.2 FOR WHOM IS THE SERVICE PROVIDED BY CAREER & COUNSELLING SERVICES INTENDED?

Students, PhD candidates, PdEng candidates and supervisors at TU Delft who need help with questions or problems relating to their studies (see section 8.3 for an overview) can contact C&CS.

### 8.3 WITH WHAT QUESTIONS CAN YOU APPROACH C&CS??

Students can approach this team with any questions or problems that require specialisation that is insufficient or lacking within the faculty, or for which the faculty has specifically transferred responsibility to C&CS. C&CS may be able to help students directly, or they may refer them to the appropriate source to help them find an answer to their question. Students may approach C&CS with questions related to:

- enrolment rights; student grants and loans and legal student matters;
- information about study related funds and financial assistance;
- choosing a programme or switching to a different programme;
- impediments to study progress;
- personal problems;
- preparation for the job market;
- studying with an impairment;
- diversity;
- courses and workshops related to personal development; courses and workshops related to development towards the job market.

## 8.4 WHICH DIVISIONS OF C&CS ARE IMPORTANT TO STUDENTS?

Students can approach C&CS with questions concerning personal development, study and career development and skills. Information is also available in the information centre. C&CS also offers a large number of workshops and training courses (many of which are free of charge) on how to study effectively, personal support, choice of study, and careers. Examples include: Smarter Ways to Prepare for Exams, Studying with Dyslexia, Study Acceleration, Dealing Differently with Stress, Assertiveness, Thinking Constructively when Dealing with Fear of Failure/Perfectionism, Motivation, Stress Management, Applying for Jobs, Choosing the Right Study Programme, etc. For a full overview and to sign up, go to [www.careerandcounsellingservices.tudelft.nl](http://www.careerandcounsellingservices.tudelft.nl).

### *Career & Counselling Services: Career & Counselling Services Information Centre*

The C&CS Information Centre is located in the E&SA building on Jaffalaan 9A (Mekelweg entrance). It is open on working days between 09.00 and 17.00. It provides information on study programmes and working within and outside the Netherlands; businesses; studying and working with a disability; country-specific guides with tips for applying for jobs abroad; information on job application procedures and tests, and everything students need to decide on a new course of study. On the notice board in the entrance hall is a range of announcements about study- and career-related activities on and around the campus. Vacancies boards in the waiting area list a variety of job opportunities, part-time positions, internships and exciting job openings for those starting out on their careers. Students can use all this information independently, or to prepare for an interview with one of the C&CS employees.

### *Career & Counselling Services: Central Student Counsellors*

The central student counsellors provide support in creating the necessary circumstances for study to progress without impediment. Particular attention is paid to specific problems experienced by, for example, international students. The central student counsellor's expertise lies in explaining regulations (for example, those for enrolment and termination of enrolment, student grants and financial assistance) and psychosocial support. Support is also provided to students who belong to a special group, such as students with a disability. The central student counsellor's expertise should be seen as a supplement to faculty-based academic advice. The central student counsellors hold a daily open consultation hour (from 12.45 to 13.45) and can be contacted via the Front Office of E&SA, [www.studentendecanen.tudelft.nl](http://www.studentendecanen.tudelft.nl).

### *Career & Counselling Services: University Psychologists*

Students can approach the university psychologists with any psychological problems that are affecting their student life, or life in general. They are also welcome even if they are uncertain about the nature of any problems they are facing.

They can discuss what action can be taken in order to improve a student's situation. This may be through individual meetings (in principle, no more than three) and/or one of the many courses on offer. All conversations are strictly confidential. The psychologists hold a daily open consultation hour from 12.45 to 13.45.

For more information and to register, please see [www.psychologen.tudelft.nl](http://www.psychologen.tudelft.nl).

### *Career & Counselling Services: TU Delft Career Centre*

The TU Delft Career Centre helps students consider new study options and various career opportunities, find first jobs, resume their studies, or even suspend them (temporarily). The Career Centre is there to support students (seeking to terminate or switch their study programme, or in their choice of Master's programme), graduates and those on the point of graduating (looking for a job, applying for a job, drawing up a CV, information on the job market, whether or not to do a PhD) and PhD and PDEng candidates. An overview of their services can be found at [www.careercentre.tudelft.nl](http://www.careercentre.tudelft.nl). Enrolment for workshops or events can be done via Brightspace. There are also online tools to help students with their study or career-related questions. Open consultation hours are held every day except Monday, from 12.45 to 13.45, for walk-in CV checks, and feedback on motivation letters and short study or career-related questions.



### *Central Complaints Desk for students*

If a student has a complaint about TU Delft, the faculty, or its employees, he or she should first try to resolve it with the person or department concerned. If this does not help, the student can contact the Central Complaints Desk for students. The desk will then put the student's complaint to the relevant person or department with a request to find an appropriate solution. If the student does not agree with this outcome, he or she can contact the student ombudsman. For more information, see Appendix 7, TU Delft Student Complaint Regulations.

### *Student ombudsman*

If a student does not agree with how his or her complaint was handled by the Central Complaints Desk, he or she may present the complaint to the student ombudsman. He will mediate as an independent party between complainant and respondent. He can also make recommendations to the relevant authority (the Exexutive Board or the faculty dean).

Address for Central Complaints Desk and Ombudsman:

Jaffalaan 9a (the visitors' entrance is on Mekelweg) 2628 BX Delft

E-mail: [centraalklachtenloket@tudelft.nl](mailto:centraalklachtenloket@tudelft.nl)

E-mail: [ombudsman@tudelft.nl](mailto:ombudsman@tudelft.nl)

Tel.: +31 (0)15-2788004

Website: [www.centraalklachtenloket.tudelft.nl](http://www.centraalklachtenloket.tudelft.nl)

Website: [www.tudelft.nl/ombudsman](http://www.tudelft.nl/ombudsman)

### *Where can you find C&CS?*

For all E&SA's services and facilities, including C&CS, contact E&SA at Jaffalaan 9A (main entrance in Mekelweg). A staff member will be pleased to help you at Desk 1. On working days, E&SA is open from 9.00 until 17.00.

C&CS can be contacted by phone (+31 (0)15-2788004) and e-mail:

[careercentre@tudelft.nl](mailto:careercentre@tudelft.nl),

[psychologen@tudelft.nl](mailto:psychologen@tudelft.nl),

[studentendecanen@tudelft.nl](mailto:studentendecanen@tudelft.nl).

[careerandcounsellingservices@tudelft.nl](mailto:careerandcounsellingservices@tudelft.nl)

More information: [www.careerandcounsellingservices.tudelft.nl](http://www.careerandcounsellingservices.tudelft.nl).

## **8.5. WHAT OTHER FACILITIES ARE AVAILABLE TO STUDENTS?**

### *Academic Counsellors*

All faculties have academic counsellors to provide individual or group assistance to students who are experiencing difficulties in relation to their studies or would like more information about possibilities within the degree programme. Students can make use of this service throughout their degree programme both for matters concerning studies (for example, education, academic study plans, or choice of degree programme) and for matters of a personal nature. They can also approach a counsellor simply to express their feelings. The contact details of the various academic counsellors can be found at: [www.tudelft.nl/studieadviseurs](http://www.tudelft.nl/studieadviseurs).

### *Other faculty-based services to students*

Apart from the academic counsellor, all faculties also have members of staff who are able to provide help with finding a suitable internship (Internship Officers), or who can offer advice to students wishing to study abroad or take part in an exchange programme (the International Relations Coordinator). For more information, see the Internationalisation chapter in this charter.

### *Education and Student Affairs Information Desk*

The E&SA Information Desk (on the ground floor of the E&SA building) is the first point of contact for both prospective and enrolled students. It provides information on admissions, enrolment, study progress, administrative matters, international student mobility and other student facilities. The information it provides is of a general nature and is immediately available. For more specific matters, the Information Desk can direct students where to find the information they are looking for, or refer them on to an external organisation, for example in the field of housing or healthcare. The Information Desk is open on working days from 9.00 to 17.00.

### *TU Delft Sports & Culture Division*

The tagline of the TU Delft Sports & Culture Division is 'Explore yourself, Enlarge your Playground'. Sports & Culture is the ideal place on campus to take part in sports and creative courses, lectures and workshops at special student prices. It is there to help students relax and get the most out of themselves. The Sports and Culture Division is the home base for many TU Delft sports and culture activities. There are many opportunities to practise sports individually or in group lessons. A wide range of activities takes place every month, and the Sports Café is opened daily for drinks and snacks. Students can use all the spaces and studios, and all the Sports & Culture teachers are trained professionals. To take part in any of the sports activities or to use the wide range of facilities, students require a sports pass or culture subscription.

For more information and an overview of all activities and events, visit: [www.sc.tudelft.nl](http://www.sc.tudelft.nl).

#### Sports Information Desk

Tel.: +31 (0) 15 278 2442 E: [sport-sc@tudelft.nl](mailto:sport-sc@tudelft.nl)

#### Culture Information Desk

Tel.: +31 (0) 15 278 3988 E: [cultuur-sc@tudelft.nl](mailto:cultuur-sc@tudelft.nl)

#### Top-Level Sports coordinator

[topsport-sc@tudelft.nl](mailto:topsport-sc@tudelft.nl)

### *Central Student Administration*

The CSA performs tasks that are administrated centrally. These are in the field of enrolment and termination of enrolment, payment of tuition and examination fees, refunding of tuition fees, financial assistance (in particular the implementation of the RAS) and the funding of study trips. The Central Student Administration is also responsible for issuing Notices of Enrolment and Campus Cards. The CSA can be contacted via the E&SA Information Desk (on working days between 9.00 and 17.00) or by telephone (+31 (0)15 2784249) between 09.00 and 13.00. See also [csa.tudelft.nl](http://csa.tudelft.nl)

### *SGZ (Student Health Care)*

Student Health Care is an organisation where students can get medical care. Students can register with the SGZ general practice if they have moved to live in Delft. They can also contact the SGZ for health checks in preparation for an internship, for a medical certificates needed for applications for financial support because of study delay,, treatment of RSI complaints, and tests for dyslexia. Students should also contact the SGZ for any vaccinations for travelling to tropical regions. Costs for vaccinations

required for an internship are partly refunded by TU Delft provided that students have been referred by an academic counsellor or central student counsellor.

More information: [www.sgzstudent.nl](http://www.sgzstudent.nl).

### *TU Delft Library*

The TU Delft Library provides the technical and scientific literature and information students need to successfully complete their technical programmes of study. The library not only offers a large collection of professional literature, but it also helps students find – or learn how to find – the right literature and information. Every student is automatically a member of the library and the campus card serves as a library pass.

The Library provides access to an extended collection of technical and scientific information. A large part of TU Delft Library's collection consists of books and journals, which may be consulted or borrowed in one of the library's branches. However, most of the recent collection is available online. You can search the collection via [www.library.tudelft.nl](http://www.library.tudelft.nl). Some digital resources are only available through the TU Delft network. VPN connections make access possible from other locations (see [www.vpn.tudelft.nl](http://www.vpn.tudelft.nl)).

It is possible to convert literature to audio files for students with reading problems. Students with a dyslexia certificate can submit course material to the information desk in the central library. The audio files will then be available as KES files from the TU Delft Image Archive three days later ([repository.tudelft.nl/search/MMP/?q=kes](http://repository.tudelft.nl/search/MMP/?q=kes)).

The library helps students find and use literature and information. Students can consult the information skills website TUlib ([tulib.library.tudelft.nl](http://tulib.library.tudelft.nl)) and the Ask Your Library customer service is also there to help students, either online via [askyourlibrary.tudelft.nl](http://askyourlibrary.tudelft.nl) or at the information desk. Lectures on information skills provided by the library are also incorporated in the curriculum of several degree programmes.

In addition to literature and information, the library also offers students a place to study. The central library, the Library Learning Centre, has a number of project rooms which students can book ([www.library.tudelft.nl/projectruimtes](http://www.library.tudelft.nl/projectruimtes)), and many individual study spaces both with and without a computer. During the scheduled examination periods, there is also a Mathematics and Mechanics helpdesk for Bachelor's students requiring assistance with assignments. The helpdesk is also accessible via instant messenger. The Library Learning Centre is open 365 days a year, between 8.00 and 24.00, and until 2.00 in the morning during examination periods. The dates of the examination periods and the availability of the Mathematics and Mechanics Help Desk can be found at [www.library.tudelft.nl](http://www.library.tudelft.nl).

# Chapter 9

## Internationalisation

### 9.1 INTERNATIONALISATION POLICY

TU Delft's internationalisation policy is based directly on the university's mission statement. The principle objectives of the internationalisation policy are:

- international recognition for TU Delft as one of Europe's leading universities of technology and
- the education of Dutch and international students for the international job market.

As a consequence, increasing the intake of international students into TU Delft degree programmes and boosting outbound mobility have both been placed high on the agenda by the EB.

### 9.2 JOINT EDUCATION

TU Delft participates in a number of Erasmus Mundus programmes. Students in the programmes complete parts of their Master's programme in at least two different European countries.

In addition, TU Delft is also involved in a number of joint education programmes, post-doc programmes and double degree programmes with other universities of technology elsewhere in the world. A current overview of these programmes can be found in the TU Delft Register of Study Programmes.

### 9.3 CENTRAL INTERNATIONAL OFFICE

The Central International Office (CIO) carries out a large proportion of student-related internationalisation tasks at TU Delft. It assists and facilitates the entry of international BSc, MSc and exchange students. The office is also responsible for organising and facilitating outbound mobility together with the internationalisation coordinators of the various faculties.

The office can be contacted via the E&SA Information Desk: tel. +31 (0)15-2788012, or by e-mail at [internationaloffice@tudelft.nl](mailto:internationaloffice@tudelft.nl).

#### 9.4.1 INTERNATIONAL STUDENT MOBILITY

The International Office provides advice for TU Delft students on applying for grants to study or do internships abroad ('outbound mobility'). Foreign students who come to TU Delft for a short period to study or conduct research (exchange students – 'inbound mobility') are also registered and advised by the International Office. Information on outbound mobility can be found at: [www.buitenland.tudelft.nl](http://www.buitenland.tudelft.nl). Information on inbound mobility can be found at: [www.exchange.tudelft.nl](http://www.exchange.tudelft.nl).

There are a number of special programmes for study and internships abroad:

#### *Erasmus*

The Erasmus programme offers the possibility to study at a university in another European country for a minimum of three months. The most important characteristics of 'Erasmus exchanges' are an allowance; exemption from tuition fees at the host institution; credits for successfully completed subjects; and reception, introduction and occasionally the provision of accommodation on arrival. All universities with which TU Delft has an exchange agreement can be found in the university exchange database: [www.uitwisseling.tudelft.nl](http://www.uitwisseling.tudelft.nl).

### *IDEA League*

The IDEA League is a collaboration between five leading universities of technology: ETH Zürich, RWTH Aachen, Chalmers University (Göteborg), Politecnico de Milano and TU Delft. IDEA League Student Research Grants are available for research projects. For detailed information about the terms and conditions and of the application procedure, see [idealeague.org](http://idealeague.org).

### *ATHENS*

Within the scope of the ATHENS programme, students can follow short courses at various European universities in March and November. During these one-week courses, they study subjects on a particular topic and visit places of interest in and around the city. The ATHENS programme is aimed at third-year Bachelor's students and Master's students. Students from other European universities also come to TU Delft to attend week-long ATHENS courses. More detailed information can be found at: [www.buitenland.tudelft.nl](http://www.buitenland.tudelft.nl) >oriëntatie.

## **9.4.2 ADMISSION OF INTERNATIONAL STUDENTS**

The Central International Office assesses whether students with a non-Dutch pre-university education who wish to study at TU Delft can be admitted to a BSc programme or bridging programme. The criteria on which this decision is based include the level and content of the pre-university course in the other country, the grades achieved, motivation, knowledge of Dutch (for Dutch programmes) and knowledge of English. The Central International Office also rules on the admission of students to the MSc programmes if they do not have a Dutch educational background. Based on the office's recommendation, the faculty then decides whether or not to admit the prospective student.

Information on admissions criteria and the admissions process can be found at: [www.tudelft.nl/en/education/admission-and-application/](http://www.tudelft.nl/en/education/admission-and-application/).

## **9.4.3 SCHOLARSHIP PROGRAMMES FOR INCOMING STUDENTS**

In collaboration with the faculties, the International Office administers a series of scholarship programmes for incoming MSc students, including the Holland Scholarship, the Justus and Louise van Effen scholarships, and the Orange Tulip Scholarship. Information on various programmes can be found at [www.tudelft.nl/en/education/practical-matters/scholarships/](http://www.tudelft.nl/en/education/practical-matters/scholarships/).

## **9.4.4 INTERNATIONAL RELATIONS**

The International Office organises a range of practical matters for incoming international students. This includes applying for a visa and residence permit, student accommodation, and acting as an intermediary when taking out health and liability insurance and opening a bank account. In February and August, the International Office also organises the reception and introduction programme for new international students: the Introduction Programme. Over a one or two-week period, respectively, the programme provides an intensive introduction to the university (including teaching and assessment methods), and to life in the Netherlands (prevailing norms, values, conventions, social introductions, etc.). The programme is supervised by staff members of the International Office and by coaches recruited from among current Dutch and foreign students.

In addition, the International Office administers and maintains the internet community for all international students, Delftulip.

Appendix 13 to this Student Charter contains a Code of Conduct for international students. This code has been established in association with the Association of Universities in the Netherlands (VSNU).

## 9.5 ADDRESSES AND OTHER INFORMATION

### **TU Delft Central International Office**

Jaffalaan 9a, 2628 BX Delft

Tel.: +31 (0)15 2788012

E-mail: [InternationalOffice@tudelft.nl](mailto:InternationalOffice@tudelft.nl)

### **Faculties**

#### **3mE International Office**

Marion van Eijck and Sara van Dalen-Bus

Mekelweg 2, 2628 CD Delft

Tel.: +31 (0)6 15 2786753

E-mail: [m.vaneijck@tudelft.nl](mailto:m.vaneijck@tudelft.nl), [s.vandalen-bus@tudelft.nl](mailto:s.vandalen-bus@tudelft.nl) and [internationaloffice-3me@tudelft.nl](mailto:internationaloffice-3me@tudelft.nl)

#### **A+BE International Office**

Rosanne van Bladeren, Anka Hacquebord and Doesjka de Jong

Julianalaan 134, 2628 BL Delft

Tel.: +31 (0)6 15 2788240

E-mail: [internationaloffice-BK@tudelft.nl](mailto:internationaloffice-BK@tudelft.nl)

#### **CEG International Office**

Qing-yi Fan, Maaïke Kraeger-Holland, Chantal van Woggelum and Yolanda de las Heras

Stevinweg 1, 2628 CN Delft

Tel.: +31 (0)6 15 2783511

E-mail: [exchange-citg@tudelft.nl](mailto:exchange-citg@tudelft.nl), [internship-citg@tudelft.nl](mailto:internship-citg@tudelft.nl) and [internationaloffice-citg@tudelft.nl](mailto:internationaloffice-citg@tudelft.nl)

#### **EEMCS International Office**

Jitske van der Laan and Inge Grootjans

Mekelweg 4, 2628 CD Delft

Tel.: +31 (0)6 15 2783506

E-mail: [msc-EWI@tudelft.nl](mailto:msc-EWI@tudelft.nl), [internship-eemcs@tudelft.nl](mailto:internship-eemcs@tudelft.nl) and [exchange-eemcs@tudelft.nl](mailto:exchange-eemcs@tudelft.nl)

#### **IDE International Office**

Willemine Biemond, Janneke Arkesteijn and Johanna Quik

Landbergstraat 15, 2628 CE Delft

Tel.: +31 15 2781077

E-mail: [InternationalOffice-IO@tudelft.nl](mailto:InternationalOffice-IO@tudelft.nl)

#### **AE International Office**

AE Education & Student Affairs

Kluyverweg 1, 2629 HS Delft

Tel.: +31 15 2781355

E-mail for incoming exchange students: [exchange-ae@tudelft.nl](mailto:exchange-ae@tudelft.nl)

E-mail for internship office: [internship-ae@tudelft.nl](mailto:internship-ae@tudelft.nl)

**TPM International Office**

Toke Hoek

Jaffalaan 5, 2628 BX Delft

Tel.: +31 (0)6 15 2783367

E-mail: [c.a.hoek@tudelft.nl](mailto:c.a.hoek@tudelft.nl)

**AS International Office**

Tamara Bacsik, Els Jacobs

Lorentzweg 1, 2628 CJ Delft

Tel.: +31 (0)6 15 2781595

E-mail [msc-TNW@tudelft.nl](mailto:msc-TNW@tudelft.nl) and [Internationaloffice-tns@tudelft.nl](mailto:Internationaloffice-tns@tudelft.nl)

# Chapter 10

## House rules and disciplinary measures

The EB can issue regulations and take measures to ensure proper procedure is followed in the buildings of the university and on its grounds. These measures may include the partial or complete exclusion from the buildings or grounds of a person who has infringed the regulations, for a period of up to one year. Students may also have their enrolment terminated, for a maximum period of one year. Any student who continues to commit acts of serious misconduct even after a warning has been issued may ultimately have his or her enrolment terminated permanently and be denied access to buildings and the grounds. TU Delft has drawn up a general set of regulations covering this area, which is included in Appendix 11 of the Student Charter.

### **ICT management regulations**

TU Delft has specifically made use of this possibility in respect of the use of ICT facilities for students.

This is reflected in the "TU Delft Management Regulations for the use of Educational ICT Facilities by Students". These regulations govern students' use of the university's network and computer equipment (see Appendix 10 to this charter) with the Appendix 'Regulations for the limitation of data traffic for TU Delft student lodgings with FttD'.

### **No-smoking rule**

Smoking is prohibited in all TU Delft buildings except in designated smoking areas. The EB has requested the deans of the faculties to ensure that the no-smoking rule is strictly enforced.

### **Safety and security**

TU Delft considers safety and security to be extremely important. Safety & Security is a broad field which includes working conditions, crisis management, environmental issues, detection, incident management, risk management and contact with the police and security services. These points of attention require coordination. This is why TU Delft has appointed a Safety & Security manager since early 2006. He or she is responsible for the integrated management of safety and security risks throughout TU Delft, as well as investigating how risks can be further limited and controlled. Organisationally the post falls within the Legal Services department of the University Corporate Office. The Safety and Security Manager reports directly to the director of the Legal Services department.



# Chapter 11

## Legal protection

### 11.1 GENERAL: ONE-STOP-SHOP

Legal protection for students is set out in the WHW. A number of changes took effect on 1 September 2010, which are briefly described here. For greater ease of access, for example, a single facility, or one-stop-shop, has been set up. This is a central point that can also be accessed online ([centraalklachtenloket@tudelft.nl](mailto:centraalklachtenloket@tudelft.nl)). Any student or external student, past, present or future may use it to submit a complaint, objection or appeal. Various useful addresses are given at the end of this section.

The central facility ensures that complaints, objections and appeals that have been submitted are sent to the appropriate party to be dealt with. The procedures vary. Depending on the kind of ruling involved, either the objection procedure (in the case of enrolment or RAS-related rulings, for example) or the Examination Appeals Board appeals procedure (in the case of Board of Examiners or examiner-related rulings, for example) will apply.

Apart from the one-stop-shop, other features are a complaints procedure, the procedure for objections, the period of time allowed for submitting an appeal to the Examination Appeals Board, and the body to which students may lodge appeals at a higher level. There is only one body with which an appeal may be lodged against WHW-related rulings in student affairs, and that is the Appeals Tribunal for Higher Education (CBHO) in The Hague.

Before initiating a procedure, students can always consult an academic counsellor. External help is also available from the Delft Student Union, any legal aid office, district advisory centre, State legal aid office, or a (specialist) lawyer (in the case of an appeal to the CBHO, for example). If the problem is of a general nature, students may contact their faculty student council or the Central Student Council.

### 11.2 COMPLAINTS

The 'TU Delft Regulations on Student Complaints' (Appendix 7) govern the procedure by which complaints are lodged and dealt with. Students may submit complaints either verbally or in writing. Complaints are coordinated and registered centrally, although in principle they are dealt with by or on behalf of the relevant Dean or director. If it is not clear who should handle a complaint, it will be dealt with by the central office of E&SA.

The procedural aspects of how written complaints are dealt with are covered by Articles 9:4 to 9:12a of the General Administrative Law Act (Awb), which states the criteria with which a complaint must comply; the impartiality of the person dealing with the complaint, and the cases where a complaint does not have to be dealt with, for example where the conduct against which the complaint is aimed took place more than a year previously, or if the complainant had the option of lodging an objection or appeal. An important part of the procedure is hearing the points of view of both the student and the person against whom the complaint is made and, as a rule, the complaint should be dealt with within ten weeks of submission.

## 11.2A STUDENT OMBUDSMAN

Depending on the nature of the complaint, the central office can also put the it before the TU Delft student ombudsman. The ombudsman only deals with written complaints. Students also have the option of submitting complaints to the ombudsman if they are not happy about the way their complaints have been dealt with by the relevant dean or director.

## 11.2B COMPLAINTS IN THE CASE OF UNDESIRABLE BEHAVIOUR

A separate procedure exists for complaints regarding undesirable behaviour, such as bullying or sexual harassment (TU Delft Regulations for Complaints Concerning Undesirable Behaviour, Appendix 6). Anyone who is or has been the victim of undesirable behaviour can seek help, support and advice from a confidential advisor. The confidential advisor can also assist students wishing to submit a written complaint to the EB, which has set up a complaints committee for dealing with such complaints. The committee examines whether or not the complaint is admissible, before investigating whether or not an amicable settlement can be reached. If this is not the case, the committee hears the points of view of the student and the person against whom the complaint is directed. The committee then advises the EB on what measures to take.

### *Confidential advisers*

Each faculty as well as the University Corporate Office have one or more confidential advisers from whom students can obtain further information. The Network of University Confidential Advisers in the Netherlands has drawn up a number of guidelines for managers. The guidelines contain valuable information on aggression, employment conflicts, sexual harassment and bullying.

## 11.2C ETHICS AND (ACADEMIC) INTEGRITY

TU Delft's Code of Ethics (see Appendix 17) is an aspirational code that describes a wide range of values and behaviour. The code has intentionally not been designed as a 'recipe book' containing specific behavioural rules for specific situations. All staff members and students are expected to represent the interests of TU Delft and to show consideration for others and for other people's values and to respect other people's property.

The Code of Ethics states the following with respect to students at TU Delft and (academic) integrity: *"Students choose their own path through the available curricula, and make sure they know what is expected of them. Students learn to work independently, to solve problems, and to be meticulous in gathering information. Students at all levels are familiar with the published policies on plagiarism and cheating at the university. They prepare for exams with due care. In group assignments they have an active and cooperative attitude and share the work equally. When students become aware of individuals profiting unfairly from others' efforts, they will challenge them about this. PhD candidates are taught the standards of scientific integrity and are expected to apply these in their work."*

TU Delft's Academic Integrity Complaints Procedure (also available on the TU Delft website, under 'Integrity') focuses on violations or suspected violations of academic integrity committed by staff members. Students may submit a complaint about a staff member in the case of a suspected violation of academic integrity – for example, if a researcher uses research conducted by a student without accrediting that work to the student by name. Other forms of violation of academic integrity include plagiarism and the fabrication or falsification of research data. The complaints procedure includes provisions on how the complaint should be handled by the Academic Integrity Committee, how the parties involved should be heard and how it should be handled by the EB.

The various methods of dealing with ethical dilemmas at TU Delft are shown in the integrity roadmap/flowchart later in this chapter.

## 11.2D NATIONAL OMBUDSMAN

The final recourse of the complaints procedures is to submit a complaint to the national ombudsman. In general, complaints may only be submitted to the national ombudsman if all other complaint channels have been exhausted.

### 11.3 OBJECTIONS

Students may object to decisions taken by the Executive Board based on the WHW. An exception to this are decisions taken on the basis of Art. 7.61 of the WHW, appeals against which should be lodged with Examination Appeals Board. Objections may be lodged regarding decisions on:

- enrolment and unenrolment;
- tuition fees (payment, refunds, exemptions);
- whether or not to award graduation support (RAS);
- (disciplinary) measures relating to access to university buildings and premises.

The EB has set up an advisory committee to advise it on decisions regarding objections. The 'TU Delft Student Objections Committee Regulations' (Appendix 8) describes, among other things, how the membership of this independent committee is arranged. The provisions on objection procedures as laid down in the General Administrative Law Act (Awb) apply, apart from some exceptions listed in the WHW.

The procedure is as follows:

- the period of time allowed for submitting an objection is six weeks. This period begins from the date after which the ruling was sent;
- the objection must comply with a number of requirements and contain at least:
  - the name, student number and address of the appellant;
  - the signature of the appellant;
  - the date;
  - a description of the ruling against which the objection is directed (a copy of the ruling should be included);
  - the grounds for the objection (arguments as to why the ruling is not correct);
  - an investigation as to whether an amicable settlement is possible; (the decision-making process regarding the objection may be suspended during this procedure, in consultation with the student);
  - the committee terminates the procedure if an amicable settlement is reached, or continues its deliberations on the objection;
  - hearing (the committee hears the student and a representative from the Board at the same time);
  - the committee makes its recommendation to the EB (which the EB is free to accept or ignore);
  - ruling on the objection (in principle, within ten weeks).

Rulings on objections may be as follows:

- Inadmissible; the substance of the objection is not dealt with. This happens, for example, if the objection does not meet the necessary requirements or if it is submitted too late. However, students are always given the opportunity to correct omissions or errors, or to demonstrate that the reason for submitting the objection late was justifiable. Being on holiday or ill are not acceptable reasons. It is therefore advisable for students to arrange for someone to keep an eye on their mail in the event of long-term absence and is able to act upon the message if necessary;
- Upheld; the student wins the appeal;
- Rejected; the objection is dismissed.

The ruling may also be a combination of the three.

Rulings on objections and the recommendations are sent to the student, who is advised of the right to appeal within six weeks to the Appeals Tribunal for Higher Education in The Hague (see section 11.5).

There is no charge for submitting a complaint. In some cases, it is possible to obtain a reimbursement for professional legal assistance, provided that the objection is upheld and the student applies for a refund. The amounts concerned are fixed, and they do not cover all the charges that are incurred.

#### *Emergency procedure*

There is also the option of requesting an emergency procedure when submitting an objection. If the chairman is of the opinion that time is indeed of the essence, then the committee will issue its recommendations as quickly as possible after the hearings, so that the EB can reach a decision within four weeks.

### **11.4 EXAMINATIONS APPEALS BOARD (CBE)**

A so-called administrative appeal may be lodged to the Examination Appeals Board (CBE) against certain rulings. The CBE has an independent chairman and consists of lecturers / academic staff and students.

Students may lodge an appeal against rulings such as:

- those taken by a Board of Examiners and/or an examiner;
- those relating to binding recommendations on continuation of studies
- exemptions on the grounds of diplomas obtained elsewhere/exemptions
- those relating to a university entrance examination (colloquium doctum);
- those relating to admission to Master's degree programmes (for students with foreign educational qualifications).

The Regulations of the Examination Appeals Board are included in Appendix 9.

Except in those cases where the WHW differs from the Awb, this procedure is also subject to some of the provisions of the Awb.

The procedure is as follows (it is similar to the objection procedure described in section 11.3, but is not identical):

- the period of time allowed for submitting an appeal is six weeks. This period begins from the date after which the ruling was sent;
- the appeal must meet a number of requirements and contain at least:
  - the name and address of the appellant;
  - the signature of the appellant;
  - the date;
  - a description of the ruling against which the appeal is being lodged (a copy of the ruling should also be included);
  - the grounds for the appeal (arguments as to why the ruling is not correct);
- before the appeal is dealt with, the CBE asks the body that made the disputed ruling to investigate whether or not an amicable settlement can be reached; (the CBE must be informed within three weeks as to whether an amicable settlement can be reached, or if not, whether a statement of defence is to be submitted);
- if there can be no amicable settlement, the CBE will deal with the appeal;
- hearing (the CBE hears the student and the body or its representative whose ruling is being appealed, at the same time);
- the CBE makes a decision (in principle, within ten weeks after receiving the notice of appeal).

The ruling on the appeal can be as follows:

- Inadmissible: the substance of the appeal is not dealt with;
- Upheld; the student wins the appeal;
- Rejected: the appeal is dismissed.

The ruling may also be a combination of the three.

If the CBE upholds an appeal, it quashes the disputed ruling either wholly or in part. The CBE is not authorised to substitute the old ruling with a new one, but it can decide that the body in question must make a new ruling and it can impose conditions and a time limit for this (for example, that an exam must be offered within two weeks, or that an exam should be reassessed).

The ruling on the appeal is sent to the student, who is informed of his or her right to appeal against the ruling within six weeks to the Appeals Tribunal for Higher Education in The Hague (see section 11.5).

Lodging an appeal with the CBE does not involve any costs for students. In some cases, it is possible to obtain a reimbursement for professional legal assistance, provided that the appeal is upheld and the student applies for a refund. The amounts concerned are fixed, and they do not cover all the charges that are incurred.

#### *Emergency procedure*

It is possible when lodging an appeal to ask the chairman to make a provisional order in anticipation of the substantive handling of the appeal, such as to have the disputed ruling suspended. Any such request will only be honoured if there are immediately pressing reasons for doing so. The emergency procedure with the chairman of the CBE must include hearings of the parties concerned, or they should at least be given the opportunity to attend.

### **11.5 APPEAL TO THE APPEALS TRIBUNAL FOR HIGHER EDUCATION (CHBO)**

Within six weeks of receiving a notice of a ruling against an objection on a student-related matter or a decision of the CBE, students may lodge an appeal with the CBHO in The Hague. The CBHO website ([www.CBHO.nl](http://www.CBHO.nl)) includes further information and describes the procedure in clear terms. This procedure, too, is covered by the regulations in the Awb. This means, for example, that the option for an emergency procedure (provisional verdict) exists. A significant difference with regard to the Awb is that decisions made by the CBHO may not be appealed. The verdict of the CBHO is therefore final.

Students wishing to lodge an appeal with the CBHO must pay €46 in court charges, but legal assistance is not obligatory.

The CBHO can issue the following verdicts:

- Inadmissible: the substance of the appeal is not dealt with;
- Upheld: the student wins the appeal. The CBHO may order the EB to make a new ruling;
- Rejected: the appeal is dismissed.

An interim verdict may also be given. This will usually be followed by a final verdict.

In delivering its verdict, the CBHO may also decide that the EB must reimburse the court charges to the student, and refund any legal costs that the student has incurred (this is a fixed amount).

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## **11.6 PENALTY PAYMENTS (FAILURE TO ISSUE TIMELY DECISIONS) ACT**

This act allows for action to be taken in the event of late rulings. The decision-making bodies of the university (EB, deans, Boards of Examiners) are required to adhere to time limits, such as the legally prescribed time limit for ruling on an objection, or the so-called reasonable period of time that often applies to rulings on requests (for financial support, for example). If the period of time has elapsed without a ruling having been made with regard to the objection or the request, the student in question can in principle claim a penalty payment. However, the decision-making body in question must first be informed in writing of its default, and be given another two weeks to come to a ruling. Once this period has passed without a ruling having been made, then the student is entitled to a penalty payment. The amount per day for a maximum of 42 days is regulated by law. The penalty payment may not exceed €1,260.

## **11.7 PRIVACY**

The use and processing of personal data must comply with the terms of the Personal Data Protection Act (WBP). Under the terms of the Awb, in most cases objections and appeals may be lodged against decisions made by the EB on the basis of the Personal Data Protection Act. For such objections, the EB is advised by the Central Objections Committee. This procedure is governed in its entirety by the provisions of the Awb.

## **11.8 STUDENT GRANTS AND LOANS**

The body to approach in the case of problems relating to student grants and loans is the DUO in Groningen. Their website includes all the necessary information for students regarding lodging objections or appeals. These procedures are governed by the provisions of the Awb. Information is also available from the E&SA information desk.

## 11.9 ADRESSEN EN INFORMATIE

### **For submission of complaints, objections and appeals to the CBE**

Central Complaints Office

Jaffalaan 9A

2628 BX Delft

centraalklachtenloket@tudelft.nl

Tel.: +31 (0)15-2788004

### **Objections and appeals against the CBE may also be lodged with**

Executive Board

Attn. LS/Legal Affairs

PO Box 5

2600 AA Delft

E-mail: JZ@tudelft.nl

### **Lodging appeals at the Appeals Tribunal for Higher Education**

CBHO

PO Box 16137

2500 BC The Hague

Website: [www.cbho.nl](http://www.cbho.nl)

E-mail: [info@cbho.nl](mailto:info@cbho.nl)

### **The TU Delft student ombudsman**

c/o Management of Education & Student Affairs

Jaffalaan 9A

2628 BX Delft

Tel.: +31 (0)1527 88004

E-mail: [ombudsman@tudelft.nl](mailto:ombudsman@tudelft.nl)

Website: [www.tudelft.nl/ombudsman](http://www.tudelft.nl/ombudsman)

### **Objections against DUO**

Consult the DUO leaflet entitled, 'U bent het niet eens met een beslissing' ('What to do if you disagree with a decision') (also available online: [www.duo.nl](http://www.duo.nl)).

Send objections against DUO to:

Dienst Uitvoering Onderwijs

Afdeling Bezwaar en Beroep

PO Box 50081

9702 EA Groningen

### **TU Delft confidential advisor:**

See: [www.vertrouwenspersoon.tudelft.nl](http://www.vertrouwenspersoon.tudelft.nl)

**Privacy**

Executive Board  
Attn. the Data Protection Officer  
LS/Legal Affairs  
PO Box 5  
2600 AA Delft  
E-mail: JZ@tudelft.nl

**Advice**

Faculty academic counsellors (see Chapter 8)

Student & Career Support  
Jaffalaan 9A  
2628 BX Delft  
+31 (0)15-27 88004

Central Student Council  
Mekelweg 4  
2628 CD Delft  
+31 (0)15-27 83349

Delft Student Union (VSSD) Student Helpdesk  
Leeghwaterstraat 42  
2628 CA Delft  
+31 (0)15-27 82050



# Chapter 12

## Communication

### **E-mail as a communication medium**

TU Delft frequently communicates with students on such matters as enrolment and unenrolment. This often relates to matters of a sensitive nature such as enrolment, enrolment after 1 September, students whose enrolment has been cancelled by the institution, study programmes and/or graduation files, etc.

TU Delft considers e-mail communication as a legal form of communication for all correspondence from TU Delft. However, this does not mean that all communication will be conducted exclusively by e-mail; communication by letter will remain an option as and when this is deemed necessary or more effective.

### **TU Delft e-mail address**

Upon enrolling as a student at TU Delft, all students are allocated a TU e-mail address where they receive any relevant messages from the EB, boards or faculties. Students are informed of the purpose of the TU Delft e-mail address and are expected to take note of e-mail messages received from TU Delft.

E-mail makes it possible to inform students about current issues or events. Students may also be asked to respond or act in the interest of the progress of their studies.

### **Additional information**

Students can find lots of general information about TU Delft on the TU Delft website [www.tudelft.nl](http://www.tudelft.nl). Announcements about education or enrolments may be made in the form of Brightspace announcements.

E-mails of a general nature, as opposed to individual e-mails, will also be posted on Brightspace under general announcements/news.

Part II  
Quality  
and studiability

## **Foreword Part II**

Part II: This quality and studiability part is of a different nature than Part I. Part I presents the details of statutory and supplementary regulations. Part II describes policy intentions on the part of the university administration aimed at continued improvement in the quality and 'studiability' of degree programmes. The activities resulting from decisions taken are at a different stage of implementation for each subject. Furthermore, for each degree programme these activities may have been introduced to a greater or lesser extent. Where they have been implemented, and at the stage that has been reached, rights can be derived from the points set out. Where they have not yet been implemented, they indicate a duty on the part of TU Delft to use its best efforts.

## **Curricula**

The curricula are designed to enable future graduates to acquire knowledge independently on a specific subject and adjacent technical or academic fields in professional practice.

Degree programmes are predominantly aimed at instilling an independent and investigative attitude to study, which enables the student in the later phase of study to make connections between aspects of pure applied science and other relevant aspects of technological problems.

During the first year of the programme, students orientate themselves within the degree programme, and selection and referral take place. The minor (usually taken in the third year) gives students the opportunity to broaden their knowledge in the Bachelor's programme. A number of minors enable students to transfer to a Master's degree programme in a different engineering discipline.

Each Bachelor's programme ends with an assignment in which students demonstrate the ability to integrate their knowledge and skills, possibly including certain research skills.

The degree programmes focus attention on increasing insight into the complex social decision-making processes with which (future) graduates may become involved in professional practice, and on teaching the argumentative and social skills they will need in order to do so, and to evaluate issues related to the role of engineering in society, also in ethical terms. In each curriculum, attention is paid to socially-oriented subjects. The Faculty of Technology, Policy and Management has developed courses in the field of ethical aspects of engineering.

Aspects of sustainable development are clearly included in the most relevant educational components within specific subject areas. There is a basic module entitled 'Technology in Sustainable Development', a minor in Sustainable Development and, furthermore, a graduation endorsement (annotation) for the subject of 'Sustainability' can be obtained in all Master's degree programmes. The degree programmes regularly ask their professional fields for advice with regard to the design and content of the programmes, thus ensuring that graduates are prepared for the labour market. TU Delft seeks to achieve international accreditation for its programmes.

## **Final attainment levels**

For each programme, the specific objectives and final attainment levels of the elements in the teaching process, and the teaching process as a whole, are formulated as precisely as possible. The components of the curriculum are organised and coordinated so as to prevent any impediments to study. Students can submit complaints to the designated bodies on such matters if their interests with regard to studiability have been harmed.

## **Curriculum information**

The Executive Board announces the organisation of the coming academic year in the preceding autumn at the latest. All curricula must follow these guidelines for the uniform organisation of the academic year.

An overview of the compulsory components of the curriculum for each degree programme is available in the Implementation Regulations (UR) of the relevant degree programme, which is an Appendix to the OER (the Teaching and Education Regulations). The OER/UR can be found on the faculty website.

## **Teaching and Examination Regulations (OER)**

It is the responsibility of the Executive Board to ensure that the OER for degree programmes, drawn up in accordance with the provisions of Art. 7.13, para. 2 of the WHW, are made public in good time.

### **Target pass rate and duration of study**

The university strives to have its students graduate within the applicable period.

The Executive Board publishes the pass rates of the degree programmes each year in the Annual Report, which can be found on the TU Delft website.

Students should make every effort to complete the first year of the programme within one year and thereafter to obtain a Bachelor's degree within two years. Exceptional circumstances will be taken into consideration, as described in the RAS.

### **Binding recommendation on the continuation of studies**

First-year students receive study support and guidance to help them decide on potential paths to take within their degree programmes or in a broader sense. They also receive recommendations concerning their study progress in March and August. Students who have earned fewer than 45 credits at the end of their first year will receive a negative binding recommendation on continuation of studies. Students who receive a negative recommendation will at their request be actively supervised in seeking a more suitable degree programme either at TU Delft or elsewhere. Students' results and progress are effectively monitored on the basis of an explicit procedure. TU Delft intends to enter into agreements with a number of universities of applied sciences (HBO), partly to make it easier for students to transfer from TU Delft to these institutions and vice versa.

### **Graduation projects**

Explicit agreements are made on the minimum and maximum duration of internships and graduation projects, and on supervision and facilities, in the form of a graduation plan. The plan has three goals: to prevent such internships and projects from exceeding their scheduled time, to facilitate communication between those involved, and to establish a means of evaluation and quality control. The graduation plan is an agreement of intentions.

### **Internationalisation**

TU Delft has a major international dimension. This can be strengthened by using English language textbooks, for example, attracting guest lecturers and providing fluency courses to staff and students. The Bachelor's phase is still given principally in Dutch; the Master's phase is in English.

The faculties aim to enable students to gain international experience by participating in international exchange programmes and offering internships in other countries.

### **Academic staff**

Leading scientists with teaching experience are employed, particularly in the first year of study, in order to help first-year students orientate themselves, among other things.

It is the aim of the university that all lecturers should possess a Basic Teaching Qualification (BKO). The university administration stimulates the establishment of systematic subject-related consultation among academic staff. This consultation takes the form of a recurring, formal meeting between lecturers of a section of a degree programme; its most important objective is to monitor and improve the way modules are geared to one another. General educational matters are dealt with by the Board of Studies (see section 7.5).

### **Organisation of education**

TU Delft provides nearly 50 Bachelor's and Master's degree programmes, distributed over eight faculties. Each faculty is under the management of a dean. The dean of each faculty is ultimately responsible for the education. The dean appoints a Director of Education and a Head of Education and Student Affairs.

The Director of Education is responsible for the quality of the education in the faculty and is a member of the faculty management team. The Director of Education & Student Affairs is responsible for the support of the faculty educational processes. In cooperation with the Head of Education and Student Affairs, the Director of Education advises the dean on educational matters. These responsibilities are listed in the BBR.

The Dean appoints a Director of Studies for each programme, who is responsible for the quality of the education in the programme. This Director of Studies is answerable to the Director of Education. In addition, a Board of Studies is established for each programme (see section 7.5).

### **Visitation and accreditation**

It is the responsibility of the university administration to ensure that the quality of education within the university's degree programmes is assessed by independent specialists (visitations) once every six years.

For the benefit of this regular assessment, degree programmes that are to be evaluated prepare a so-called self-assessment, which is produced partly on the basis of the students' judgement of the quality of education. This self-assessment should highlight both weak and strong points of the degree programme. Based on the opinion of the visitation committee, the Accreditation Organisation of the Netherlands & Flanders (NVAO) will accredit the programme for the next six years. Criteria have been established for this re-accreditation, and are used during the visitation.

The results of the accreditation are public. Based on the results and recommendations by the expert, the faculty draws up a plan of action for the programme concerned. The EB forms an opinion on the plan and discusses it with the central representative bodies.

### **Strategic Plan**

In the WHW annual report and in the Strategic Plan, TU Delft makes known its intentions concerning the quality of education and research, partly in response to the findings of external and internal evaluations.

# Part III

## Annexes

# Annex 1

## Policy on fees and enrolment

### 2017/2018

#### **OBLIGATION OF ENROLMENT**

- 01 All persons wishing to make use of educational facilities for the benefit of an initial degree programme, or take degree audits in degree programmes as defined by law, are obliged to enrol 'as a student' (full time, part time or work-study) or 'as an external student' (art. 7.32 of the WHW).

#### **PROGRAMME CHOICE ACTIVITIES**

- 02 Anyone who registers for a Bachelor's degree programme before 1 May may take part in programme choice activities - that is, a programme choice check, which consists of the following components:
- An online questionnaire, consisting of a main section, and possible additional sections for each programme. The online questionnaire should be submitted to the university by 15 May.
  - A recommendation by the study programme department on the best course of study to take, based on the answers in the questionnaire. Recommendations are issued by 15 June.

Anyone who registers for a Bachelor's degree programme after 1 May may take part in the aforementioned programme choice activities, provided that the online questionnaire is submitted by 15 August; the recommendation will then be issued by 31 August.

#### **ADMISSION TO BACHELOR'S DEGREE PROGRAMMES AND EXAMINATIONS**

- 03 Admission to Bachelor's degree programmes at TU Delft can be obtained on the basis of one of the following qualifications:
- a pre-university (VWO) certificate with a 'Science and Engineering' or 'Science and Health' subject profile, including 'Mathematics B'; a number of Bachelor's programmes also require physics and/or chemistry and/or biology;
  - a propaedeutic (first-year) certificate from a university of applied sciences (HBO);\*
  - a Bachelor's or Master's degree obtained at a university (WO) or university of applied sciences (HBO);\*
  - a Master's degree obtained at a Dutch university;\*

in order to be admitted to a Bachelor's degree programme, demonstrable knowledge of Mathematics B and possibly Physics and/or Chemistry and/or Biology at VWO level is required; secondary education must be completed beforehand and any deficiencies remedied beforehand (by 31 August at the latest).

In principle, persons who possess a pre-university (VWO) certificate with an 'Economy & Society' or 'Culture and Society' profile cannot enter Bachelor's degree programmes at TU Delft. They will only be enrolled after having remedied deficiencies in Mathematics and Physics. See the table below.

Entrance to TU Delft Bachelor's degree programmes can also be gained on the basis of qualifications obtained in a country other than the Netherlands or on the basis of a European or International Baccalaureate. Deficiencies should be remedied before enrolment; see the website [www.tudelft.nl/studeren/studeren-aan-de-tu-delft/toelating-en-aanmelding/](http://www.tudelft.nl/studeren/studeren-aan-de-tu-delft/toelating-en-aanmelding/)

In these cases, the person concerned must possess sufficient knowledge of the Dutch language to be able to follow the chosen programme successfully (with the exception of Aerospace Engineering, Nanobiology, and Applied Earth Sciences).

Finally, entrance is also possible on the basis of a successfully completed university entrance examination (colloquium doctum).

Below are the additional requirements for each Bachelor's degree programme that apply to the various profiles that were updated in 2007:

	VWO S&E	VWO S&H	VWO E&S	VWO C&S
Architecture	direct admission	Mathematics B and Physics	Mathematics B and Physics	Mathematics B and Physics
Civil Engineering	direct admission	Mathematics B and Physics	Mathematics B and Physics	Mathematics B and Physics
Electrical Engineering	direct admission	Mathematics B and Physics	Mathematics B and Physics	Mathematics B and Physics
Industrial Design Engineering	direct admission	Mathematics B and Physics	Mathematics B and Physics	Mathematics B and Physics
Clinical Technology	Biology	Mathematics B and Physics	Mathematics B, Physics, Chemistry and Biology	Mathematics B, Physics, Chemistry and Biology
Life Science & Technology	direct admission	Mathematics B and Physics	Mathematics B, Physics and Chemistry	Mathematics B, Physics and Chemistry
Aerospace Engineering	direct admission	Mathematics B and Physics	Mathematics B and Physics	Mathematics B and Physics
Marine Engineering	direct admission	Mathematics B and Physics	Mathematics B and Physics	Mathematics B and Physics
Molecular Science & Technology	direct admission	Mathematics B and Physics	Mathematics B, Physics and Chemistry	Mathematics B, Physics and Chemistry
Nanobiology	Biology	Mathematics B and Physics	Mathematics B, Physics, Chemistry and Biology	Mathematics B, Physics, Chemistry and Biology
Applied Earth Sciences	direct admission	Mathematics B and Physics	Mathematics B, Physics and Chemistry	Mathematics B, Physics and Chemistry
Engineering, Policy Analysis & Management	direct admission	Mathematics B and Physics	Mathematics B and Physics	Mathematics B and Physics
Computer Science	direct admission	Mathematics B	Mathematics B	Mathematics B
Applied Physics	direct admission	Mathematics B and Physics	Mathematics B and Physics	Mathematics B and Physics
Applied Mathematics	direct admission	Mathematics B	Mathematics B	Mathematics B
Mechanical Engineering	direct admission	Mathematics B and Physics	Mathematics B and Physics	Mathematics B and Physics

Only candidates who possess one of the qualifications mentioned above with Mathematics and Physics among their chosen subjects may enter examinations for Bachelor's degree programmes at TU Delft.

VWO students with an 'S&E' or 'S&H' profile from before 2007 will be admitted directly; for Nanobiology and Clinical Technology, 'S&E' students must also have successfully completed Biology. VWO students with an old 'E&S' or 'C&M' profile must already meet the above requirements for Mathematics-B, Physics, Chemistry, and Biology, either as an elective subject or via a refresher course.

In all non-standard cases, the admissions committee of the Bachelor's degree programme in which a person wishes to enrol will assess whether his or her qualifications reflect an adequate level of Mathematics and Physics.



## **DADMISSION ON THE BASIS OF 'OLD STYLE' PRE-UNIVERSITY (VWO) CERTIFICATES**

The 2004/2005 academic year was the last in which 'old style' VWO certificates (without an indication of profile) entitled students to enter higher education without fulfilling additional requirements stipulated in the subject choice regulations for that degree.

Art. 7.28 of the WHW (admission on the grounds of other certificates) applies to students who possess such a certificate. On the grounds of art. 7.28, para. 2, sentence 2 of the WHW, the Executive Board (EB) of TU Delft may grant exemption from the prior education requirement that a student must possess a VWO profile certificate, as stated in art. 7.24, para. 1 of the WHW. The EB has decided to grant admission to the degree programmes and degree audits of TU Delft to students who possess an 'old style' VWO certificate with Mathematics B and Physics among their chosen subjects. Students applying for admission to LST and MST must also have Chemistry among their chosen subjects, while Biology is required for Nanobiology and Clinical Technology. If these subjects do not appear on the certificate, the person concerned must first remedy the deficiencies before they may be enrolled.

## **ADMISSION BASED ON A PROPAEDEUTIC CERTIFICATE FROM A UNIVERSITY OF APPLIED SCIENCES (HBO)**

HBO-studenten met een propedeuse-diploma zijn toelaatbaar onder de volgende voorwaarden:

- voor studenten met een VWO-diploma gelden de regels van voorgaande tabel
- studenten met HAVO/MBO vooropleiding moeten, voorafgaand aan de inschrijving, deficiënties t.o.v. het VWO-niveau wiskunde-B, natuurkunde, scheikunde en biologie weggewerkt hebben.

## **NUMERUS CLAUSUS**

In 2017, a numerus clausus applies for the Bachelor's degree programmes in Industrial Design (maximum intake of 350 students), Aerospace Engineering (maximum intake of 440 students), Clinical Technology (maximum intake of 100 students) and Nanobiology (maximum intake of 100 students).

## **ADMISSION TO MASTER'S DEGREE PROGRAMMES AND DEGREE AUDITS**

- 04 Students who have successfully completed a Bachelor's degree programme at TU Delft and wish to do a Master's degree programme at TU Delft within the same discipline are automatically entitled to enter that Master's programme, on the basis of the Teaching and Examination Regulations (OER) of their Bachelor's programme. Having successfully completed the final component of their Bachelor's programme, they may enrol for the Master's programme that follows directly on from it.

In order to enrol for a Master's degree programme, the applicant must be in possession of a Bachelor's certificate that leads directly on to the Master's programme in question. Any student wishing to start a Master's programme must have successfully completed the Bachelor's programme and/or bridging programme required for admission to that Master's programme.

Furthermore, for each Master's degree programme, the dean (or the admissions committee on behalf of the dean) will determine what deficiencies a candidate for the programme has, and the Board of Examiners will determine whether any exemptions are to be granted.

The general selection criteria for the Master's degree programmes at TU Delft, which serve as a frame of reference for the admissions committees, are as follows:

Students with non-Dutch qualifications	HBO students selected on the grounds of:	Students with Dutch university education (WO)	TU Delft students
<ul style="list-style-type: none"> <li>- Relevant Bachelor's degree of sufficient quality and adequate level</li> <li>- A Cumulative Grade Point Average (CGPA) on the Bachelor's certificate of a minimum of 75% of the maximum number of obtainable points. Specific requirements concerning the CGPA apply to certain countries. These countries are posted on the TU Delft website.</li> <li>- Proof of command of the English language; TOEFL score of at least 90 (only the internet-based test is accepted); or</li> <li>- ELTS test score of at least 6.5; or</li> <li>- the 'Certificate of Proficiency in English' or the 'Certificate in Advanced English' from the University of Cambridge has been obtained.</li> </ul> <p>There are also requirements relating to the scores for each section of aforementioned tests. These are listed on the TU Delft website.</p> <ul style="list-style-type: none"> <li>- An essay in English, explaining the student's interest and motivation, and a summary of the Bachelor's degree programme he or she has completed</li> <li>- Two letters of recommendation in English, French, German or Dutch: one from an employee of the faculty where the student obtained his or her Bachelor's degree, and one from the student's employer or other person in a position of authority such as his or her thesis supervisor.</li> <li>- A detailed curriculum vitae in English</li> <li>- Proof of identity.</li> <li>- A number of programmes have requirements (such as portfolio or GRE test score) additional to those listed above. These requirements are posted on the TU Delft website.</li> <li>- Some Master's degree programmes may on occasion be obliged to restrict the intake of international Master's students as a result of temporary capacity problems.</li> </ul>	<p>A relevant HBO certificate from a Dutch university of applied sciences</p> <ul style="list-style-type: none"> <li>- They will be admitted if they have completed a bridging programme. Regarding the bridging programme, students must successfully complete the Mathematics B and English tests before starting the bridging programme. The mathematics tests are organised by the Open University of the Netherlands and other bodies, under the title 'Wiskunde T' ('mathematics T'). The English tests can be taken via TOEFL, IELTS or Cambridge:</li> <li>- TOEFL; minimum score of 90 (only the internet based test is accepted), or</li> <li>- IELTS; minimum score of 6.5; or</li> <li>- the "Certificate of Proficiency in English" or "Certificate in Advanced English" of the University of Cambridge.</li> </ul> <p>VWO students do not have to sit an English test or, depending on their VWO subject cluster, Mathematics B.</p> <p>The dean may set further admission requirements;</p>	<p>Relevant Bachelor's degree from a Dutch university</p>	<p>relevant Bachelor's degree from TU Delft;</p>

The faculty will assess candidates with due regard for the above criteria.

### ADMISSIONS WITHIN THE SCOPE OF 3TU

TU Delft, Eindhoven University of Technology and the University of Twente have coordinated their degree programmes. For each Bachelor's degree programme, there is at least one Master's degree programme that follows on from it directly, and for each Master's programme there is at least one Bachelor's programme which offers a transition with no delay in the progress of study. If a student has a Bachelor of Science degree (BSc) from another degree programme at TU Delft, TU Eindhoven or the University of Twente, the dean of the faculty to which the programme belongs decides whether direct admission is possible.

A good overview of the possibilities for admission can be found at [www.doorstroommatrix.nl](http://www.doorstroommatrix.nl).

## TOELATING TOT 3TU-OPLEIDINGEN

In the 2016/2017 academic year, the following Master's programmes will be organised within the scope of 3TU:

- Construction Management and Engineering;
- Embedded Systems;
- Science Education & Communication;
- Sustainable Energy Technology;
- Systems & Control.

## ENTRANCE TO MASTER'S DEGREE PROGRAMMES BY STUDENTS WITH A CERTIFICATE FROM A UNIVERSITY OF APPLIED SCIENCES

In general, students with a certificate from a university of applied sciences (HBO) cannot enter Master's degree programmes unconditionally. The admissions procedure for this category is as follows: the admissions committee of the programme assesses the candidate's suitability, after which the dean takes a decision and informs the Central Student Administration (CSA). On the basis of this assessment, the admissions committee advises the dean which bridging programme the candidate should take.

In order to be admitted to the suggested bridging programme, students must graduate from HBO and pass the required tests in Mathematics B and English by 1 September. A different timetable applies to the bridging programmes in Architecture and the Built Environment, and in Industrial Design Engineering.

Students who have successfully completed VWO S&E pre-university qualifications before taking their HBO certificate are exempt from the Mathematics B and English tests. Any student who has successfully completed one of the other VWO profiles including Mathematics B as an elective is similarly exempted.

Students wishing to enrol on a bridging programme should use Studielink. Bridging students are enrolled in the Bachelor's degree programme.

If the bridging programme has been completed successfully, entrance to the chosen Master's degree programme is granted.

## FEES FOR BACHELOR'S AND MASTER'S DEGREE PROGRAMMES IN THE 2017/2018 ACADEMIC YEAR

05 The annual tuition fees for the 2017/2018 academic year are as follows:

- statutory tuition fee for full-time students:	€2,006
- institutional tuition fee I for full-time students:	€2,006
- institutional tuition fee II for full-time Bachelor's students:	€10,111
- transitional rate for full-time Bachelor's students:	€8,923
- institutional tuition fee II for full-time Master's students:	€15,166
- transitional rate for full-time Master's students:	€13,942
- tuition fee for part-time students:	€1,679
- rate for bridging programmes:	€33.43 per EC
- rate for educational module	€1,003
- examination fee for external EEA students:	€6,000
- external students non-EU/EFTA, intake up to 2007:	€6,000
- non-EU/EFTA external students, intake 2011-2015, BSc:	€8,923
- non-EU/EFTA external students, intake 2011-2015, MSc:	€13,942

The fees must be paid in full in advance. A standing order granted in advance authorising TU Delft to collect the payment from a bank account, either in one payment or in instalments, is also acceptable.

## **STATUTORY TUITION FEE AND INSTITUTIONAL TUITION FEE I (art. 7.45 of the WHW)**

This rate applies to the following categories of student:

- 1) Those who hold Dutch nationality or that of any other EU/EFTA country \*) , or Surinamese nationality
  - who are shown by the Central Register of Higher Education Enrolment (CRIHO) as referred to in art. 7.52 to not have a previous Bachelor's degree (for enrolment in a Bachelor's programme, or a previous Master's degree (for enrolment in a Master's programme)<sup>1</sup> .
  - The residential address in the Netherlands must be registered in the Municipal Personal Records Database (GBA).
- 2) Students taking a teacher-training programme pay the statutory tuition fee.
- 3) If a student holds a nationality other than those named in 1), whether or not the statutory tuition fee applies depends on the type of residence permit they have been issued.
  - If the student has been issued a residence permit type II, III, IV or V, the statutory tuition fee applies.
  - If the student has been issued a residence permit type I, it depends on the purpose of residence whether the statutory tuition fee applies. In this case, the institution will check the actual residence permit showing the purpose of residence, and additional documents.
- 4) For holders of a W document (issued by the IND), the institutional tuition fee I applies.

### **Non-EEA students who are awarded graduation support under the Graduation Support Scheme (RAS)**

Non-EEA students who are awarded graduation support under the RAS who enrol on a subsequent occasion will be granted a waiver of tuition fees for the amount of the difference between the institutional fees paid and the statutory fees.

## **INSTITUTIONAL TUITION FEE II**

This fee applies to:

Students from non-EU/EFTA countries

## **TRANSITIONAL RATE**

Non-EU/EFTA students who enrolled in or between the 2011/2012 and 2015/2016 academic years and have been enrolled continuously in the same programme, are required to pay €8,923 for enrolment in the 2017/2018 academic year for a Bachelor's degree programme and €13,942 for a Master's degree programme. This transitional scheme will expire on 31 August 2019. If a student enrolls for a second programme, this second programme does not fall under the transitional rate and the extra fee must be paid.

## **EXCHANGE STUDENTS**

Exchange students are those participating in an Erasmus programme or students at a university which has a bilateral agreement with TU Delft. They only take a part of a Bachelor's or Master's programme at TU Delft. Students must meet admission conditions. They are exempt from paying TU Delft tuition fees. Students who enrol as exchange students cannot obtain any diploma.

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1) In the Higher Education Funding Agreement (Bekostigingsakkoord Hoger Onderwijs) of October 2007, the Netherlands Association of Universities of Applied Sciences (HBO-Raad), Dutch National Students Association (ISO), Dutch Student Union (LSVb) and Association of Universities in the Netherlands (VSNU) agreed that students wanting to start a second, parallel programme may complete this second programme at the statutory tuition fee. Consequently, in the 2017/2018 academic year, TU Delft will not charge different rates for a second programme or second degree. This will also apply to second programmes started after completion of the first.

\*) *The EU countries are: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.*

*The EFTA countries are: Iceland, Liechtenstein, Norway and Switzerland*

## **CONTRACT STUDENT**

Anyone who is not a student or an external student as defined by Art.7.32 para. 1 of the WHW may register as a contract student. The level of the tuition fees is determined on the basis of the total number of credits for the modules to which the student has been admitted, as set down in an agreement.

## **FEES FOR BRIDGING PROGRAMMES**

Students who take a bridging programme, whether they are from the EU or not, pay fees for each programme; these are calculated on the basis of the number of European Credits (ECs) that they can obtain from that programme.

They will pay a proportion of the statutory tuition fees, which must be paid in full before they begin the programme.

## **FEES FOR THE EDUCATIONAL MODULE**

Participants in the educational module pay a fee set at half the statutory tuition fee. This fee must be paid at the beginning of the module.

## **ENROLMENT DURING THE COURSE OF THE ACADEMIC YEAR**

- 06 In principle, it is only possible to enrol for an entire academic year, i.e. as of 1 September. Enrolment at a later time is only possible on 1 February following approval of a well-reasoned request addressed to [verlateinschrijvingen@tudelft.nl](mailto:verlateinschrijvingen@tudelft.nl) and with the consent of the relevant faculty.

Internal transfer from a Bachelor's to a Master's programme, and external transfer into a Master's programme by a student from another Dutch university is possible throughout the academic year. Some Master's degree programmes may also allow students from outside the Netherlands to transfer at the beginning of the second semester.

## **ENROLMENT PROCEDURE**

- 07 The procedure for enrolment should be completed before the desired enrolment start date, i.e. before 1 September or 1 February, as appropriate. 1 February. The enrolment will only take effect in the month of September, provided that the student fulfils all his or her obligations during the course of the month. By law, retroactive enrolment is not permitted in any other month.

## **FEE IN THE CASE OF ENROLMENT DURING THE COURSE OF THE ACADEMIC YEAR**

- 08 If enrolment is allowed during the course of the academic year, it is valid for the remaining part of the academic year. Where this occurs, for a full-time student who is entitled to pay the statutory tuition fee rate, the fee will be reduced by one twelfth for each month later that the student enrolls (art. 7.48, para. 2 of the WHW). (RRvE Article 7.48, section 2).

Also in the case of full-time students to whom the institutional rate applies and part-time students who enrol during the course of the academic year, the fee will be reduced by one twelfth for each month later that the student enrolls. External students are not eligible for this reduction.

## **TERMINATION OF ENROLMENT**

- 09 Students may terminate their enrolment by submitting a request in Studielink; their enrolment will then be terminated on the first of the subsequent month (art. 7.42 para. 1, WHW). Tuition fees will be refunded for the remaining months of the academic year, with the exception of students who wish to unenrol from July or August. If the student so requests, he or she will receive a 'Statement of payment of tuition fees' from TU Delft on the basis of which he or she may enrol elsewhere – on payment of any additional tuition fee required.

Examination fees and bridging programme fees and the fees for the educational module are non-refundable.

## **METHODS OF PAYMENT**

- 10 Payment of tuition fees may be made by online standing order, with the option of authorising either a single payment or payment in a maximum of twelve instalments, or by a single bank transfer of the tuition or examination fees to the university.

Examination fees, fees for bridging programmes and the educational module must be paid in full before starting the programme.

In the event of enrolment during the course of the academic year, the tuition fee may also be paid in instalments.

Payment in instalments is subject to a charge of €24; this is also the case if the enrolment process is completed after 1 September 2017. This transaction charge is debited at the same time as the first instalment.

Students who have opted to pay in instalments but who then choose to pay the remaining fee in a single payment after the first instalment has been debited are still required to pay the transaction charge.

If the tuition fees are to be paid by a third party, the student must give his/her consent via Studielink or by completing the 'betaling door derden' ('payment by third parties') form, which can be found at [www.csa.tudelft.nl](http://www.csa.tudelft.nl).

Regulations applicable in the event of failure of a standing order for payment of tuition fees

Students who fail to pay their tuition or examination fees may have their enrolment terminated with effect from the second month following the month in which the demand for payment was made.

This will not exempt the student in question from the outstanding amount owing; the services of a debt-collection agency will be engaged for this purpose, the costs of which will be reclaimed from the student.

If the student re-enrols during the same academic year or in the subsequent academic year, he or she must pay the tuition fees by means of a bank transfer or PIN transaction. Students in these situations are not entitled to make payments in instalments.

## **TUITION FEE RATE FOR A SECOND ENROLMENT IN PARALLEL TO ENROLMENT FOR A FIRST PROGRAMME**

- 11 Any full-time student who is entitled to pay the statutory tuition fee and who enrolls for a second degree programme will be required to make an additional payment if the rate for the second programme is greater than that for the first programme (Art.7.48, section 1).

In the 2017/2018 academic year, TU Delft will not impose different rates for students taking second or any subsequent degree programmes. This rule applies to the nominal duration of the study programme, plus one year.

For enrolment in a second degree programme full-time students to whom the statutory tuition fee rate does not apply, part-time students and external students must make additional payment if – on a monthly basis – the rate for the second programme exceeds the rate for the first. This also applies to students taking a bridging programme who are also enrolled in a Master's programme, for example a different Master's programme to which they are eligible for direct admission.

In all cases in which a student's first enrolment is with a different institution of higher education and their second enrolment is with TU Delft, the total amount payable to TU Delft in tuition and/or examination fees is the sum of the amounts payable by the student for all the months of his or her enrolment. Each month, the amount payable is calculated on the basis of the 'most expensive' enrolment. The amount the student has already paid in tuition and/or examination fees elsewhere in higher education will then be deducted from the calculated amount each month.

In all cases in which a student has first enrolled at another higher education institute and secondarily at TU Delft, the student, in addition to an enrolment request via Studielink, must also submit an original statement ('Bewijs Betaald Collegegeld') ('proof of tuition fees paid') of the amount paid in examination or tuition fees and the corresponding period of enrolment.

If the student wishes to terminate the first degree programme or he or she has already done so, then this statement must specify the amount paid in tuition and/or examination fees after a refund has been made. The student will then be enrolled for the second degree programme as of the first of the month in which he or she pays any necessary additional examination or tuition fee and fulfils any other enrolment requirements.

This is equally the case for full-time students to whom an institutional fee rate applies.

### **ENROLMENT OF GUEST STUDENTS**

- 12 'Guest students' are persons who are enrolled for a degree programme 'as a student' at another higher education institution and who, with the permission of the relevant Board of Examiners, include in their degree programme one or more modules that are not available at their own institution. During the period that they are enrolled elsewhere in higher education, guest students to whom the statutory fee does not apply or no longer applies may enrol at TU Delft 'as a student' or 'as an external student' without making any additional payment, on condition that they submit a certified declaration to the Board of Examiners concerned specifying the subjects that are not available at the student's own institution. Students who enrol as guest students cannot obtain any diploma.

### **WRONGFUL USE OF EDUCATIONAL AND/OR EXAMINATION FACILITIES**

- 13 On the grounds of wrongful use of educational or examination facilities, a person making use of such facilities without being enrolled is liable to pay in compensation the amount he or she should have paid in tuition fees during this period, plus the sum of €100. The number of months for which this compensation is payable is equal to the period beginning from the first month in which wrongful use of educational and/or examination facilities is recorded by TU Delft until the month in which the person concerned is enrolled correctly, or – if this is earlier – until the end of the relevant academic year. For practical exercises, projects and other non-participatory educational components for which no final grade for a degree audit component can be obtained, the period for which compensation is payable is calculated commencing from the most recent month liable for compensation in which participation in that component must commence in order to obtain a final grade on the registered date.

In such cases, retroactive enrolment is not possible. Results of examinations and other degree audit components taken in the period during which the student was not enrolled remain valid. The results will only be published and the relevant certificate (first-year diploma, B or D/M) issued only after the compensation has been paid.

### **CHARGES FOR DUPLICATES OF PROOF OF ENROLMENT AND CAMPUSCARDS**

- 14 Copies of proof of enrolment documents, and of CampusCards cost €3 and €7 respectively, unless the need for a copy to be made has arisen from actions of TU Delft.

### **TERMINATION OF ENROLMENT AND REFUNDS OF TUITION FEES**

- 15 The statutory rules concerning unenrolment and refunds for a person enrolled 'as a student' who pays the statutory tuition fees for a full-time degree programme apply equally to a person enrolled 'as a student' who is required to pay an institutional fee rate for a full-time enrolment and to those enrolled 'as a part-time student'. The student in question and the DUO are always informed of any unenrolment.

Unenrolment and refunds of tuition fees are possible in the following cases:

**a. Available on request**

At the request of the student (via Studielink), enrolment will be terminated from the month subsequent to that in which the request is made. Such a request can be made once a student has graduated, for example.

**b. Failure to pay tuition fees after receiving a reminder**

Students who fail to pay their tuition or examination fees may have their enrolment terminated with effect from the second month following the month in which the demand for payment was made.

**c. Binding recommendation on continuation of studies**

The enrolment of any student who has been given a negative binding study recommendation will be terminated with effect from the month following the month in which such a recommendation is given; the student in question will then be excluded from re-registering for the same programme. This is set out in greater detail in the Implementation of the Binding Recommendation on Continuation of Studies (see Appendix 15 of this Student Charter and the TU Delft website).

**d. Serious fraud**

The Board of Examiners may propose the termination of the enrolment of any student committing serious fraud, with effect from the month following the month in which the fraud is established. The procedure taken by the Board of Examiners is set down in more detail for each faculty in the Board of Examiners Rules and Guidelines.

**e. Serious misconduct**

The enrolment of any student who repeatedly commits acts of anti-social behaviour may be terminated with effect from the month following the month in which such acts are established. This is set out in greater detail in the TU Delft Regulations for the use of Buildings, Grounds and Facilities by Students and Visitors.

**h. In the event of death**

The enrolment of any student who dies is terminated with effect from the first day of the month following the month in which the death occurs.

**TERMINATION OF ENROLMENT WHERE STUDY PROGRESS IS INADEQUATE**

In the case of inadequate study progress, the Modern Migration Policy Act means that international students may no longer re-enrol for the subsequent academic year on the basis of a residence permit for study purposes from 1 September.

**REFUND OF TUITION FEES**

To be eligible for a refund, the student in question must unenrol using Studielink. Tuition fees are automatically refunded in the case of the death of a student.

Refunds are based on what the student would have had to pay for the remaining months from the time of his or her termination of enrolment.

July and August count as months for which tuition fees are payable. No refund of tuition fees will be given for any unenrolment that takes effect in either July or August, and students who have opted to pay in instalments must also pay these in July and August. Refunds will only be paid into the bank account used to pay the tuition fees. Examination fees and fees for bridging programmes and the educational module are non-refundable



### **PROCEDURAL RULES FOR UNENROLMENT AND REFUNDS**

- 16 The following conditions and rules of a procedural nature are applicable to unenrolment and the payment of refunds:
- a. In the case of a proof of payment of tuition fees document ('Bewijs Betaald Collegegeld'), TU Delft will ask the receiving institution about the amended enrolment and the tuition fees that have been paid.
  - b. Students from non-EU countries who terminate their enrolment on grounds other than graduation must report to the Central International Office.
  - c. The refund will be paid within six weeks of the submission and assessment of the refund request.

### **HARDSHIP CLAUSE**

- 17 The EB is authorised, if the application of art. 1 to 13 of the policy on refunds and enrolment would lead to unfair situations of a compelling nature, to deviate from said articles, but only if and to the extent that this is permitted by mandatory regulations.

# Annex 2a

## Graduation Support Scheme (RAS)

### THE EXECUTIVE BOARD OF DELFT UNIVERSITY OF TECHNOLOGY

Taking into consideration the need for setting down additional rules relating to financial support for students at TU Delft;

Taking into consideration that the regulations relating to financial support for students should take account of the Bachelor's-Master's structure introduced at TU Delft on 1 September 2002, and that other amendments are required;

Taking into consideration that a new scheme is needed in relation to the awarding of financial support for students;

in view of Article 7.51 of the Higher Education and Scientific Research Act (WHW);

With the consent of the Central Student Council (meeting of 13 October 2005 and letter dated 24 October 2005, ref. no. SB/SR/05/09)<sup>2</sup>;

### DECISION

To approve the following scheme:

#### ARTICLE 1 DEFINITIONS

- 1.1 WHW  
the Higher Education and Research Act (Wet op het hoger onderwijs en wetenschappelijk onderzoek); (Bulletins of Act and Decrees 1992, 593);
- 1.2 WSF 2000  
the Student Finance Act 2000 (Bulletin of Acts and Decrees 2000, 286)
- 1.3 TU Delft  
Delft University of Technology;
- 1.4 Executive Board  
the TU Delft board;
- 1.5 Student  
Anyone who has enrolled at TU Delft for a full-time study programme provided by TU Delft and who in that capacity receives teaching and takes examinations, or who uses other types of facility or amenity for the purpose of taking an initial degree programme;

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<sup>2</sup> On 11 June 2008, the RAS was amended with the consent of the Central Student Council. The proposed amendments have been incorporated into the text of the scheme. The amendments concern, among other things, the introduction of a project box with the guarantee months list and the legal quality of the scheme. For more detailed information of the amendments, see the text shown in italics in the explanatory notes to this scheme. On 18 August 2009, the RAS was again amended - with the consent of the Central Student Council - to include international students. On 10 August 2010, the RAS was adapted to the amended WHW, which entered into force on 1 September 2010 (Bulletin of Acts and Decrees 2010, 119). On 19 June 2012, the RAS was amended as a result of the entry into force of the Increased Tuition Fees for Long-Term Students Act (Act of 21 July 2011, Bulletin of Acts and Decrees 2011/368). On 9 July 2013, the RAS was amended through the revocation of the amendment of 19 June 2012. A limit was also placed on the number of months in relation to situations caused by unforeseen circumstances. Another amendment was implemented in 2014, in particular in relation to progress requirements and the introduction of committee months. A single amendment was needed in 2016 in order to achieve concordance with the Student Grant Act 2000 (as amended in the Student Loans (Higher Education) Act).

- 1.6 Bachelor's degree programme  
the study programme as meant in Art. 7.3a, first paragraph, letter a of the WHW, provided by TU Delft;
- 1.7 Master's degree programme  
the study programme as meant in Art. 7.3a, first paragraph, letter b of the WHW, provided by TU Delft;
- 1.8 Financial support  
financial support as meant in Art. 7.51 of the WHW;
- 1.9 Guarantee month  
entitlement to financial support for administrative activities, expressed in months, sub-divided into administrative and committee months;
- 1.10 Performance-related grant  
the higher education performance-related grant, as meant in Section 5 of the WSF 2000;
- 1.11 Credit  
a credit as meant in Art. 7.4 of the WHW;
- 1.12 Unforeseen circumstances  
an exceptional circumstance as meant in Article 7.51, second paragraph, sub-sections c to f of the WHW;
- 1.13 Guarantee month list  
the list of guarantee months that forms part of the 'Bijlage inzake de procedure tot vaststelling van toekenning van garantiemaanden voor bestuurlijke activiteiten' ('Appendix on the assessment procedure for the allocation of guarantee months for administrative activities');
- 1.14 Administrative activity  
an exceptional circumstance as meant in Article 7.51, second paragraph, sub-sections a and b of the WHW, as referred to on the guarantee month list, as apparent from the application;
- 1.15 Full-time administrative activity  
an administrative activity lasting twelve months, as apparent from the application;
- 1.16 Nominal duration of study  
the duration of the Bachelor's degree programme - 36 months - or, in the case of the Master's degree programme, 24 months;
- 1.17 International student  
any student who:  
a) is enrolled on a study programme for which he does not possess a degree,  
b) does not meet the nationality requirement as meant in Art. 2.2 of the WSF 2000 and who does not possess Surinamese nationality, and  
c) resides in the Netherlands, Belgium, Luxembourg, or any of the following German Länder: North Rhine Westphalia, Lower Saxony, or Bremen.
- 1.18 Credit  
a European Credit (EC) according to the European Credit Transfer System.
- 1.19 Committee month  
a right to financial support, as indicated on the guarantee month list;
- 1.20 Administrative month  
a right to financial support, as indicated on the guarantee month list.

## ARTICLE 2 SCOPE

This scheme includes the conditions on which the Executive Board awards financial support for students affected by an exceptional circumstance as meant in Art. 7.51, second paragraph of the WHW, that has resulted either in his falling behind schedule in his studies or who is expected to do so.

### **ARTICLE 3      GENERAL CONDITIONS FOR RECOGNITION OF FALLING BEHIND SCHEDULE**

3.1 The conditions for recognition of being behind schedule as a result of exceptional circumstances are:

- a) at the time of the application, the applicant must be enrolled as a student at TU Delft with the aim of completing a Bachelor's or Master's degree programme, and must be legally liable to pay tuition fees;
- b) the applicant must be unable, either in whole or in part, to follow the programme as a result of the existence of an exceptional circumstance;
- c) the exceptional circumstance must occur, or must have occurred, in the period during which the student is or was entitled to a performance-related grant in relation to the programme in question or, in the case of international students, during their nominal duration of study;
- d) the exceptional circumstance must have led or be expected to lead to the student falling behind schedule in his studies;
- e) the exceptional circumstance must not have led to an award on the basis of WSF 2000 and should not be expected to do so.

3.2 No financial support will be awarded to students in respect of their second degree programmes if the student is receiving, or has received, financial support from the university or university of applied sciences at which they took their first degree programme.

### **ARTICLE 4      FURTHER CONDITIONS FOR RECOGNITION OF BEING BEHIND SCHEDULE AS A RESULT OF CIRCUMSTANCES BEYOND THE STUDENT'S CONTROL**

4.1 If faced with circumstances beyond his or her control, the student reports this to the academic counsellor as soon as possible, but no later than three months after these circumstances have occurred or are expected to occur. Subsequently, the student makes agreements with the academic counsellor regarding the progress of his or her studies and submits an application based on this Scheme. If the exceptional circumstances are expected to continue for a prolonged period of time, i.e. longer than six months, the possibility of terminating the enrolment is considered in consultation with the academic counsellor.

4.2 A student who applies for an acknowledgement of study delay must - if applicable - first use another existing facility before being entitled to claim financial assistance based on this Scheme. When allocating financial assistance, any financial compensation awarded to the student earlier based on another existing facility is taken into account.

### **ARTICLE 5      FURTHER CONDITIONS FOR RECOGNITION OF BEING BEHIND SCHEDULE AS A RESULT OF ADMINISTRATIVE ACTIVITIES**

5.1 The student in question must have obtained sixty credits in his first year of his TU Delft Bachelor's programme at the start of his administrative activity, which programme at that time the student should still be following; he must also comply with the provisions in paragraphs 2 to 4.

5.2 In order to perform an administrative activity in the second year of his Bachelor's programme, the student must, in addition to the sixty credits from his first year, obtain thirty credits in the second year; this condition must be met by 31 August of the second year. Any study delay resulting from administrative activities undertaken by a student in the second year of his Bachelor's programme is limited to a maximum of four guarantee months.

5.3 Any study delay resulting from carrying out administrative activities on a full-time basis in the first and second year of the student's Bachelor's programme will not be recognised.

5.4 To carry out an administrative activity in the third and fourth year of his Bachelor's programme, the student in question must have obtained ninety and 110 credits by 1 September and 1 April respectively of the third year of study, and 135 and 155 credits by 1 September and 1 April respectively of the fourth year of study, which credits should relate to the same Bachelor's programme.

5.5 The requirements listed in the foregoing paragraphs do not apply to membership of the Central Student Council, Faculty Student Council, or Board of Studies.

- 5.6 Students must notify the academic counsellor of any full-time administrative activity they have agreed to undertake before actually starting the activity in question. The student then makes agreements with the academic counsellor about his study progress and submits an application in accordance with the scheme.
- 5.7 The administrative activity for which the application for recognition of a delay to a student's studies is made must be in accordance with the provisions of the Appendix on the assessment procedure for the allocation of guarantee months for administrative activities, recognised by the Executive Board and incorporated as such into the guarantee month list.
- 5.8 The student in question receives a maximum of twelve guarantee months, on the understanding that in the event of a full-time administrative activity, there is a maximum of eighteen guarantee months.

## **ARTICLE 6 APPLICATION FOR RECOGNITION OF STUDY DELAY**

- 6.1 Applications for recognition of being behind schedule as a result of an exceptional circumstance must be submitted as soon as possible after the circumstance has arisen.
- 6.2 In addition to the provisions of Article 6.1, an application for acknowledgement of study delay due to circumstances beyond the student's control must be submitted no later than three months after the occurrence of the circumstances leading to the study delay. An application for acknowledgement of study delay due to circumstances beyond the student's control is accompanied by a declaration by the academic counsellor stating that he or she has had discussions with the student regarding the study progress, the possibility of terminating the enrolment if the circumstances that are beyond the student's control continue for a prolonged period of time, and the extent of the study delay in relation to the degree programme. In case of medical or psychological circumstances, the application is accompanied by a declaration by, respectively, the university-contracted doctor or the university psychologist. If the report of the circumstances or application for acknowledgement of study delay is submitted later than the aforementioned period of three months, the financial assistance is reduced by the period exceeding the three months.
- 6.3 Applications for recognition of study delay resulting from a full-time administrative activity must be accompanied by a statement from the academic counsellor, from which it should be apparent that the requirement mentioned in Art. 5.4 has been met.
- 6.4 The Executive Board may determine that the application for recognition of study delay should be made on the forms intended for that purpose.

## **ARTICLE 7 CENTRAL COMMITTEE FOR FINANCIAL ASSISTANCE**

### Article 7 Central Committee for Financial Assistance

- 7.1 The Central Committee for Financial Assistance (CCFO) has the task of advising the Executive Board on applications as meant in this scheme and relevant policy, except for the purpose of advising on objections lodged against decisions on applications.
- 7.2 The CCFO consists of a chairman and two members who are experts and involved with the field of education, and who are appointed by the Executive Board; at least one member is a professor at TU Delft. The Executive Board may also appoint two deputy members.
- 7.3 The CCFO has access to study progress information.
- 7.4 The CCFO may call upon the expertise present at TU Delft.
- 7.5 The CCFO has its own secretary's office.

## **ARTICLE 8 APPLICATION FOR PAYMENT**

8.1 Applications for payment of financial support should be received by the Executive Board before the end of the period for which the student is entitled, or was entitled, to a performance-related grant or, if it concerns an application by an international student, before the end of the nominal study period. If an application is received after this period, the number of months that have passed since the end of said period will be reduced from the total number of months' financial support, to be calculated from the first day after the end of said period.

8.2 Applications for payment made by students who are entitled to a performance-related grant must be accompanied by the most recent notification from the Dienst Uitvoering Onderwijs (DUO) to include an award of a student grant.

## **ARTICLE 9 PROCESSING AND DECISION**

9.1 The Executive Board makes its decisions on applications as soon as possible after being advised by the CCFO, but no later than eight weeks after receipt of the application in question.

9.2 The amount of financial assistance to be paid is equal to the amount of the basic student grant as referred to in the Transitional Provisions (Article. 12.14) of the Student Finance Act 2000 (Wet studiefinanciering 2000, WSF 2000), with the understanding that this shall be 90% of the amount if an administrative activity is performed and shall be capped at a monthly amount of €120 in the case of a committee month.

9.3 If the delay in study progress is due to unforeseen circumstances, as referred to in Article 7.51, paragraph 2, parts (c), (d) and (e) of the Higher Education and Research Act (WHW), the financial assistance shall be maximised at 12 months.

## **ARTICLE 10 PAYMENT OF FINANCIAL SUPPORT**

10.1 Payment of financial support is made after the end of the period covered by the performance-related grant or, if it concerns an international student, after the nominal study period, although payment may be made during the period covered by the performance-related grant or the nominal study period respectively after the administrative activity has been completed, at the request of the student.

10.2 Payment of financial support resulting from an unforeseen circumstance during the Bachelor's degree programme may, at the request of the student, be made after the end of a three-year performance-related grant period or, if it concerns an international student, after the end of the nominal study period.

10.3 At the time of the payment, the student in question must be enrolled for a degree programme at TU Delft.

10.4 Payment of financial support is made in monthly instalments, although payment of a committee months is made in one go.

## **ARTICLE 11 HARDSHIP CLAUSE**

If the implementation of this scheme were to result in a significant injustice in a particular case, the Executive Board may deviate from the scheme for the benefit of the student involved.

## **ARTICLE 12 TRANSITIONAL PROVISIONS**

The limit of 90% referred to in Art. 9.2 does not apply to individual applications for the awarding of guarantee months that were submitted before 1 September 2010.

## **ARTICLE 13 REVOCATION OF REGULATIONS ON FINANCIAL SUPPORT FOR STUDENTS**

The regulations on financial support for students 2004-2005 are to be revoked, with the exception of the Appendix on the assessment procedure for the allocation of guarantee months for administrative activities.

## **ARTICLE 14 ENTRY INTO FORCE**

This scheme enters into force on the first day after the date of the edition of Delta in which the scheme is published.

## **ARTICLE 15 CITATION**

This scheme will be referred to as the 'TU Delft Graduation Support Scheme' (RAS).

The scheme will be available for inspection at the Central Student Administration for two months from the date on which it enters into force. The scheme shall also be published on the TU Delft website.

The regulations, the publication on the website, and their availability for consultation, will be announced in Delta, TU Delft's weekly magazine.

This was agreed at the meetings of 19 July and 18 October 2005.

Ir. G.J. van Luijk  
Chair

## **ADDITIONAL INFORMATION**

### **GENERAL**

#### *Introduction*

Article 7.51 of the WHW stipulates that the board of a university or university of applied sciences must take measures to make available financial support (graduation support) to students who have fallen behind in their studies, or look likely to do so, as a result of exceptional circumstances. The fifth paragraph of the Article stipulates that the Executive Board must draw up rules concerning the conditions meant in that paragraph.

Pursuant to Art. 7.51 of the WHW, financial support will be awarded in the event of the following exceptional circumstances:

- a) illness or pregnancy;
- b) physical, sensory or other functional disorders;
- c) exceptional family circumstances;
- d) an insufficiently 'studiable' degree programme;
- e) the loss of accreditation of the degree programme for which the student is enrolled;
- f) fulfilling an administrative function;
- g) circumstances other than those listed above which, if the Executive Board were to refuse an application for financial support, would result in a clear injustice.

The exceptional circumstances listed under a to e cannot, according to generally accepted norms, be blamed on the student in question, and can therefore be designated as circumstances beyond the student's control. The exceptional circumstance listed under f is the result of an individual decision aimed at carrying out an administrative activity. The exceptional circumstance listed under g should be regarded as a miscellaneous category.

TU Delft has implemented Art. 7.51 of the WHW by adopting its *Regulations on financial support for students (RFOS)*, in combination with the *Appendix on the assessment procedure for the allocation of guarantee months for administrative activities and the related guarantee month list*. The RFOS is included in the Student Charter (Art. 7.59 of the WHW) and regulates the awarding of graduation support to students who have fallen behind schedule in their studies, or look likely to do, as a result of

an exceptional circumstance during the period during which the student in question is receiving a combined student grant. The appendix referred to above regulates the procedure for distributing the available graduation support for administrative activities across the organisations that are eligible for it. The guarantee month list includes the actual distribution.

The RFOS goes back a long way and has been changed and revised many times down the years. These changes have done nothing to improve its clarity or readability. In addition, the Bachelor's-Master's structure (or BaMa structure), which was introduced at TU Delft on 1 September 2002, has not yet been incorporated into the RFOS. Also, the implementation of the transfer of months of financial support to other educational institutions (universities or universities of applied sciences) created problems in practice. This means the RFOS urgently needs to be revised. The new regulations should meet this need and create greater clarity in relation to the aforementioned points. One key aspect should be user friendliness.

In order to prevent unnecessary confusion with the old regulations, the name of the new regulations is *TU Delft Graduation Support Scheme Regulations* (hereinafter: 'the Scheme').

The purpose of the Scheme is to create a clear and understandable regulatory framework, on the basis of which the Executive Board is able to decide on the allocation (recognition and payment of) financial support (graduation support). The terms 'financial support' and 'graduation support' are both referred to in Art. 7.51 of the WHW and can therefore be regarded as synonyms.

#### *Bachelor's-Master's structure*

Under the terms of the RFOS, students receive compensation for exceptional circumstances (circumstances beyond their control and administrative activities) that have arisen during the period in which they receive a combined student grant (Section 3 of the WSF 2000). According to the RFOS, students must apply to the Executive Board for recognition of delays to their studies, after which payment is made after the period of receipt of the combined student grant. Payment is also made on request. Given that the right to a student grant has been limited to the duration of the relevant course since 1 September 1996, this means that students are able to claim their entitlement after five years of receiving a combined student grant. The introduction of the BaMa structure has resulted in a lack of clarity on this point, given that it is no longer clear where, in time, the end of the period of the combined student grant actually is.

The BaMa means that initial education at a university or university of applied sciences now has two phases - the Bachelor's and the Master's (Art. 7.3 of the WHW). Both phases can be concluded with a degree audit. For TU Delft, the Bachelor's-Master's structure means that students can gain a Bachelor's degree after three years, and a Master's after two.

It is conceivable that the moment at which the period of the combined student grant ends coincides with the completion of the Bachelor's degree programme. This has been incorporated into the Scheme. This implies that the Bachelor's degree programme is regarded as a separate phase of the process of studying at a university. Taking account of this starting point, the Scheme means that it is possible for payment of graduation support due to a student falling behind in his Bachelor's programme to be made earlier than after five years of receipt of a combined student grant. Subject to a number of conditions, payment of graduation support after carrying out an administrative activity is possible at any time during the period of receipt of a combined student grant, while payment of graduation support due to unforeseen circumstances during the Bachelor's degree programme may be made after three years of receipt of a combined student grant. This earlier payment 'moment' is sometimes referred to as the moment of 'direct payment'.

#### *Direct payment*

Art. 7.51 of the WHW stipulates that the circumstance that led to a student to fall behind schedule in his studies must have arisen during the period of receipt of a combined student grant. The legally binding nature of this principle means that no



exceptions to it are possible. However, article 7.51 of the WHW does not prevent the payment of the graduation support during the period of receipt of the combined student grant.

In practice, it appears that some students wish to receive payment for their 'study delay months' after three years of receipt of their combined student grants. As already stated, this may concern situations beyond their control and administrative activities. The Scheme allows for payment to be made as soon as the student has completed his administrative activities, while payments to students who have fallen behind schedule in their studies due to a situation beyond their control is possible after three years of receipt of a combined student grant.

The previously mentioned distinction between situations beyond a student's control and administrative duties is deliberate. One reason for this is that TU Delft regards graduation support for students fulfilling administrative functions as a form of reimbursement where - unlike in situations beyond a student's control - the amount to be awarded according to the WSF 2000 and the duration of the interruption (to the student's studies) is known before the student starts carrying out his administrative activities. It is also important that the transfer of guarantee months in the case of administrative functions at other institutes is generally not possible - in the case of situations beyond a student's control, it is. This distinction also justifies a different approach, in the sense that in the case of a delay to a student's studies caused by his carrying out administrative activities, an earlier payment moment is justified.

As stated above, study delay in the case of a situations beyond a student's control has a different basis. It is also more reasonable not to deviate from the principle, in the case of situations beyond a student's control, of making payments after the period of receipt of the combined student grant, even though the Scheme allows for some flexibility in this in the case of students who have fallen behind schedule in their Bachelor's programme.

For the sake of clarity, it should be pointed out that, in the case of delays sustained during the Master's phase, payment of guarantee months is possible before the end of the period of receipt of a combined student grant, and that payment of graduation support in the case of situations beyond a student's control will be made after this period.

Finally, it should be mentioned that the Higher Education Appeals Board (CBHO) is of the opinion that an education institute is allowed to attach a condition to the payment of graduation support whereby a student terminates his receipt of a combined student grant before the year for which he receives financial support (CBHO 2 December 2002, no. CBHO 2002/044).

#### *System and structure*

Every attempt has been made to make the Scheme clear. The terms used are defined in Art. 1, followed by a description of the scope in the next article. As a rule, two decisions on the part of the Executive Board are required for the purpose of awarding graduation support; these relate to recognition and payment. The decisions are not generally taken simultaneously. Given that the allocation of graduation support is granted before payment is made, it has been decided that the articles in the Scheme relating to the former should come before those relating to the latter. Articles 3 to 5 contain the terms and conditions for recognition, with Article 3 listing the general terms and conditions, and the following two articles, specific ones.

Article 6 contains procedural requirements. Because the Executive Board reaches its decisions after considering the recommendations by the CCFO, the CCFO features in Article 7. Article 8 contains procedural requirements relating to requested payments. Article 9 deals with the decisions by the Executive Board, while the moment at which payments are made are covered in the next article. The hardship clause is in Article 11. The Scheme regulations end with a number of concluding provisions, including the transitional arrangements.

*General, regarding amendments to RAS, dated 11 June 2008*

*The Graduation Support Scheme (RAS) began to operate in 2005, as the successor to the-then Regulations on financial support for students (RFOS). Some amendments to the current RAS are needed, in order to bring it in line with a number of recent developments, such as the position of students who are not entitled to a combined student grant, but who wish to benefit from graduation support while carrying out administrative activities. The revision of the RAS is also aimed at the efficient use of financial support and at improving the quality of how the RAS is implemented.*

*The revision of the RAS has been carried out with the recent case law of the Higher Education Appeals Board (CBHO) and the revision of the WHW in mind - the latter is expected to enter into force on 1 September 2009.*

*General, regarding amendments to RAS in 2010*

*The current RAS should be adapted to the amendments to the WHW, which will take effect on 1 September 2010 (Act of 4 February 2010 (Bulletin of Acts and Decrees 2010/119)). The change to the law has led to the introduction of the profiling fund, which has replaced the graduation fund, as well as to clearer and more up-to-date definitions. The opportunity was also taken to make several other amendments to the RAS, such as the advisory role of the CCFO in the case of objections (Article 7) and the restriction of the scale of the reimbursement in the case of administrative scholarships (Article 9.2).*

*The profiling fund gives institutes greater scope to operate their own rules. TU Delft has opted to offer international students graduation support - they are not entitled to a student grant or to payment of the statutory fees, but they do have to meet residential requirements. The amendment has led to an alteration of the terms 'exceptional circumstances' and 'combined student grant', and to the inclusion in RAS of the new terms 'international student' and 'nominal duration of study'. Finally, it is now also clearly stated in the RAS that students cannot be eligible for both graduation support and an additional student grant on account of the same circumstance.*

*General, regarding amendments to RAS in 2012*

*The current RAS should be adapted to the amendments to the WHW, which took effect on 1 September 2011 (Act of 21 July 2011 (Bulletin of Acts and Decrees 2011/368)). The amendment to the law obliges the university to set up a scheme for students who have to pay the higher-level statutory tuition fees as a result of a situation beyond their control (illness, pregnancy and childbirth, physical, sensory or other disability, exceptional family circumstances) (Art. 7.45b of the WHW).*

*The regulations in the RAS effectively state that regular graduation support will be increased by the difference between statutory tuition fees and the higher-level statutory tuition fees. Payment is made in monthly instalments and is limited to twelve months, although this may be extended. The amendments have been incorporated into Articles 9 (processing and decision) and 10 (payment of financial support).*

*The amendments to the regulations are based on the principle of treating the aforementioned higher level fees in the same way as in the case of allocation and payment of regular graduation support. That is why the current provisions of the regulations have formed the basis as much as possible.*

*General, regarding amendments to RAS in 2013*

*The abolition of the long-term student penalty means that the RAS also needs to be adjusted by returning it to where it was before the legal proposal entered into force (Act of 21 July 2011 (Bulletin of Acts and Decrees 2011/368)).*

*The number of months for situations beyond a student's control has been set at a maximum of twelve, although this may be extended in specific cases. Also, the possibilities of gaining recognition for a delay in a student's studies resulting from the carrying out administrative activities in his second year of study and subsequent years are limited.*

*General, regarding amendments to RAS in 2014*

*The RAS needs to be amended in connection with the desire to limit budget overspends to acceptable proportions. In consultation with the Central Student Council and delegates from other student representative bodies, it has been decided to take measures in relation to the distribution within the boxes, to introduce committee months with a fixed amount, and to adjust the progress requirements and the guarantee month list 'system'.*

*The guarantee month list makes a distinction between administrative and committee months, with the committee months being set at a fixed amount of €120. The progress requirements are based on ninety credits after the second year of study, ninety credits at the start of the third year (110 credits on 1 April), and 135 credits at the start of the fourth year (155 credits on 1 April). The new guarantee month list structure lends itself to greater clarity, with account having been taken of the various needs of the student community.*

*General, regarding amendments to RAS in 2016*

*The Student Loans (Higher Education) Act (amendment to the WSF 2000) entered into force on 1 September 2015. The RAS was not amended last year because most students would not be affected by the new regulations until September 2016 at the earliest. The occasional applications by students who are covered by the new student finance regime and who request the benefit of the RAS during the 2015/16 academic year will be processed in accordance with the existing scheme, with application of the hardship clause if necessary.*

*An examination has been conducted of the technical changes needed to ensure that the RAS complies with the terms of the Student Loans (Higher Education) Act. The following amendments are needed, at the very least: Art. 7.51 (a-k, profiling fund) of the WHW has been altered in just a few areas, in relation to the Student Loans (Higher Education) Act. The RAS should be amended in two areas:*

- Art. 1.10 (refer to the article in question, Ed.)*
- Art. 9.2 (refer to the article in question, Ed.)*

*In summary, the existing scheme will be continued, although the odd amendment is needed in order to achieve compatibility with WSF 2000 (as amended in the Student Loans (Higher Education) Act).*

## **ARTICLE BY ARTICLE**

### **ARTICLE 1**

This article defines the terms used in the Scheme. The Executive Board is the board of the institute, referred to in Art. 7.51 of the WHW (paragraph 1.4).

For its description of the term 'student', paragraph 1.5 refers to Article 7.32 of the WHW. 'Student' referred to in the first article also covers the person entitled to a combined student grant as meant in Section 3 of the WSF 2000.

Any student who is eligible for financial support as a result of carrying out an administrative activity will receive it in months. The predecessor to the Scheme used the term guarantee months. The aim of these new terms was to make it clear that carrying out an administrative activity is linked to a set number of months in advance, as shown on the guarantee month list. In a sense, this can be said to be a guarantee. This terminology was adopted in the Scheme (paragraph 1.9).

Section 3 of the WSF 2000 stipulates that student grants consist of a basic grant, a basic loan, and an additional grant or loan, which are awarded in the form of a gift, performance-related grant, or loan. In practice, that means that someone

studying at TU Delft for five years may be entitled to a combined student grant - the combination of basic grant, basic loan, and additional grant or loan. After that, loans are available for three years - these are not interest-free. Art. 7.51, paragraph four of the WHW stipulates that the level of financial support must be equal to the level of financing that the student would have received on the basis of Section 3 of the WSF 2000, which would mean that the student may borrow from TU Delft what he would be able to borrow according to the terms of the WSF 2000. The latter is meaningless. For this reason, the period of student grants and loans in the Scheme is restricted to the combined student grant. (paragraph 1.10). It should be noted that the CBHO is also of this opinion (see for example, CBHO 10 January 2000, no. CBHO 99/014; CBHO 2 December 2002, no. CBHO 2002/052).

The WHW has now been amended to the usual practice in the university world of determining credits according to the European Credit Transfer System (ECTS). The ECTS is now used at TU Delft. For that reason, paragraph 1.11 simply makes a reference to the relevant provision in the WHW.

The definitions contained in paragraphs 1.12 to 1.14 are taken from Art. 7.51 of the WHW.

With regard to the definition of 'full-time administrative activity', paragraph 1.15 includes the description contained in the guarantee month list.

#### *2008 change*

*The sentences with the definitions under 1.14, 'administrative activity' and 1.15, 'full-time administrative activity', have been added to, with the words 'as apparent from the application'. This is an attempt to eliminate any lack of clarity regarding the number of guarantee months to be allocated if the student in question has not given an accurate version of the actual number of months in which he carried out an administrative activity (CBHO 1 April 2008, CBHO 2007/070).*

#### *2010 change*

*New Article 7.51 of the WHW stipulates that the exceptional circumstance that must have arisen during the period for which a claim can be made for a performance-related grant in the sense of Section 5 of the WSF 2000. In order to be in line with the legal text, the term 'combined student grant' has been replaced by 'performance-related grant' in 1.10. Parts 1.16 and 1.17 have gained the new terms 'nominal duration of study' and 'international student' and are needed in order to regulate the legal position of students who are not entitled to a performance-related grant on the grounds of their nationality. This concerns international students. The term 'nominal duration of study' is important for international students and indicates that the exceptional circumstance must have arisen during this period. The periods are based on the duration of the Bachelor's and Master's degree programmes at TU Delft.*

#### *2014 change*

*The introduction of committee months has led to the addition of a new definition in Article 1. A definition of the term credit has been included, for the sake of clarity. Full-time administrative activities are now subject to a maximum of twelve months.*

#### *2016 change*

*- Art. 1.10. The words 'higher education' have been added to the definition of performance-related grant, which is more in keeping with WSF 2000.*

*During the amendment to the RAS, the opportunity was taken to include the definition of administrative month in the new article, 1.20, for the sake of clarity.*

## ARTICLE 2

This article, that forms the heart of the Scheme, states that the Executive Board awards financial support, if there are reasons for doing so in accordance with Art. 7.51 of the WHW. The reference to the second paragraph in this article is included in order to state that the exceptional circumstance put forward by the student must be in accordance with Art. 7.51 of the WHW. The awarding of financial support outside Art. 7.51 of the WHW therefore lacks any legal basis, apart from which any such awarding would not be compatible with the strict budgetary rules that apply to a university. The fact that the conditions for recognition and payment of financial support have been included in the Scheme regulations requires no explanation.

Additional focus on the categories of 'top-level athletes' and 'HBO transfer students' is also required in this context. The first category concerns students who practise sport at a level that is sufficiently high to be designated as top level in accordance with the norms applied by the Olympisch Steunpunt. Although Art. 7.51 of the WHW makes no mention of this category, it is not inconceivable that a rejection of an application for the awarding of graduation support in relation to top-level sport would like to a significant injustice as meant in Art. 7.51, second paragraph, preamble and under subsection i of the WHW. From that perspective, it is worth considering honouring applications of this kind that are submitted in this way. However, applications must be accompanied by a statement from the Olympisch Steunpunt that the sport practised by the student has been designated as top level. Prior consultation with the academic counsellor is highly advisable, given the far-reaching consequences on the student's study progress.

The category 'HBO transfer students' entails a different type of problem. This concerns students who, after completing their HBO education, begin a study programme at TU Delft and then fall behind schedule in their studies as a result of an exceptional circumstance. As a rule, this exceptional circumstance will occur during the period of receipt of a combined student grant, so that the study delay cannot be recognised on the basis of Art. of the 7.51 WHW. Given the legally binding nature of the relevant provision, it is not possible to make an exception for this category, not least now that any such application would undoubtedly be in breach of the TU Delft budgetary rules. Any appeal based on the Scheme's hardship clause can therefore not be accepted either.

## ARTICLE 3

This article gives a summary of the general conditions for recognition of study delay. The special conditions are included in Articles 4 and 5.

The conditions listed in the first paragraph are a repeat - almost word for word - of those mentioned in the first paragraph of Art. 7.51 of the WHW.

In relation to the condition mentioned under b, the key factor is whether the time at which the exceptional circumstance arises or arose when the student was in receipt of a student grant on the basis of WSF 2000. It is crucial therefore whether the student actually received a combined student grant during the period in question and not whether in retrospect he could have had a legal claim (see CBHO 10 January 2000, no. CBHO 99/014; CBHO 10 April 2000, no. CBHO 99/055).

The condition that the circumstance that led a student to fall behind schedule in his studies must have arisen during the period of receipt of a combined student grant must, given the legal text, be strictly applied. Allocating financial support for outside this period is therefore not possible.

The second paragraph is intended to regulate multiple enrolments. In practice, some students take more than one study programme, whether or not at the same university or university of applied sciences, and claim financial support. This raises the question of whether a student is still able to claim financial support if he is already receiving it from another university. The WHW makes no reference to this matter. This paragraph seeks to create clarity on this point by making the link to the

university or university of applied sciences at which the student is registered for his first study programme. It concerns the education institute to which the student is liable to pay tuition fees. The sixth paragraph of Art. 7.51 of the WHW does contain a provision for financial support received before 1 September 2000.

The lack of a provision in the second paragraph could mean that the university at which the student is registered for his second study programme is bound in all circumstances to allocate and pay financial support, even if it has not received any tuition fees from him. This situation is not always reasonable. For this reason, the second paragraph stipulates that graduation support in the case of a student's second study programme is only possible if no graduation support has been received from the university at which the student is registered for his first study programme.

#### *2008 change*

*For foreign students who are not entitled to a combined student grant, the introduction of the RAS means they no longer have the right to financial support for administrative activities, except in cases covered by the transitional provision in Article 12.2 (old).*

*The aim of the amendment to this article is to give students who are not entitled to a combined student grant by virtue of their nationality, as meant in Section 3 of the WSF 2000, the opportunity to be eligible for graduation support.*

*In doing so, TU Delft is acting in anticipation of the aforementioned revision to the WHW, in which the link between financial support for administrative activities and the right to a combined student grant has been removed, and in accordance with the prevailing views within the university community. It applies only to administrative activities. As far as situations beyond a student's control are concerned, the current position remains - the exceptional circumstance must have arisen during the period of receipt of the combined student grant.*

#### *2009 change*

*In 2008, Art. 3.3 was added to the RAS, on the grounds of which foreign students who are not entitled to a combined student grant may have the right to graduation support. The explanatory notes to the article state that this is limited to administrative activities.*

*Developments in and outside the university have given grounds to expand this to cover circumstances as meant in Art. 7.51, second paragraph, letters a, b, c, g and h, of the WHW - situations beyond a student's control.*

*The number of foreign students coming to TU Delft is increasing, and is expected to continue to do so in the future. Foreign students, who as a rule are not entitled to a combined student grant, and non-foreign students, who as a rule are, should be treated equally on this point.*

*The revised WHW, which will probably enter into force on 1 September 2010, will make it possible to allocate graduation support to students who are not entitled to it solely on the grounds of their nationality (the 'profiling fund'). It has been decided to anticipate this change by expanding the rights of foreign students to cover situations beyond their control.*

#### *2010 change*

*Art. 3 regulates conditions for the allocation of graduation support. The article has been modified to accommodate the interests of international students, in particular in relation to the provision that the exceptional circumstance must have arisen during the period of nominal duration of study. The terms used in the article have been altered in link with the amended Article 7.51 of the WHW.*

#### **ARTICLE 4**

This Article covers additional conditions for recognition of study delay as a result of a situation beyond the student's control. The first paragraph stipulates that the student must notify the academic counsellor of any circumstance beyond his control and discuss it with him. It should be noted that in the discussions with the academic counsellor the option of terminating the student's enrolment, in the event that the student may fall a long way behind in his studies, should be discussed. In practice, an expected delay of around six months is reason enough to investigate the possibility of terminating the student's enrolment. It is also possible that the circumstances of a specific case may give rise to believing that a different period of time is more appropriate. Possible examples include a recurring illness or the fact that the student has not fully come to terms with a particular event. It can be assumed that, in practice, a general guiding principle will evolve in this area.

It is important to note here that failure to contact the academic counsellor in good time could result in the student's application being rejected. In the view of the CBHO, the conduct of students in such cases made it more difficult to discuss at an early stage the best options for limiting the negative consequences of a situation beyond their control on the further progress of their studies (CBHO 11 June 1999, no. CBHO 99/003). It makes no difference if the student believes there is no point in contacting the academic counsellor at an early stage. It should also be pointed out that imposing a requirement of premature termination of enrolment has been adjudged by the CBHO to be acceptable (see CBHO 17 July 2000, no. CBHO 99/045).

The second paragraph codifies the practice that exists between the universities and universities of applied sciences whereby they recognise, in relation to their own institute, financial support that is being provided by another, as a result of a situation beyond the student's control. This does not apply to study delay as a result of the student carrying out administrative activities. This type of delay is not recognised by TU Delft either.

#### **ARTICLE 5**

This Article covers additional conditions for recognition of study delay as a result of a student carrying out an administrative activity.

Carrying out an administrative activity is greatly important for the future career of a student and is encouraged by TU Delft as much as possible. Nonetheless, care should be taken to ensure that students do not take on an administrative function lightly. The conditions listed in Art. 5 should therefore be viewed in that context. The first-year ('propedeuse') or credit requirement is a minimum guarantee that the student has made some progress in his studies.

From the legislative history of Art. 7.51 WHW (House of Representatives, Session 1999-2000, 26 873, no. 8, p. 11), it follows that imposing progress requirements on students who form part of a democratically elected university body is not allowed. For this reason, the first paragraph contains an exception for the Central Student Council, a Faculty Student Council, or Board of Studies.

With regard to the 70% requirement in the case of a full-time administrative activity, it should be pointed out that when determining a student's progress, account should be taken of any previous recognised study delay. After all, it is not inconceivable that a student has already received financial support from TU Delft, due to a situation beyond his control, for example. It would be unreasonable to adhere to the minimum level of 70% in such cases. In practice, it has therefore been decided - with the application of the hardship clause - to deduct five credits from the total for each month that has already been recognised, on the understanding that 50% is the absolute lower limit. If, after taking these recognised months into account, the student's average progress is below this limit, his application for recognition should be refused. It can be assumed that this practice will continue after this Scheme has entered into force.

The third paragraph contains a link with the appendix referred to therein and the guarantee month list. This expresses sufficiently the fact that an administrative activity should have gone through the procedure mentioned in the appendix before it can be considered for individual recognition. It goes without saying that an administrative activity should be included as such on the guarantee month list.

#### *2013 change*

*The article lists the progress requirements in relation to carrying out an administrative activity. The new first paragraph relates to the general requirement of having successfully completed one's first year. A new second paragraph has been added to the article, which stipulates that any study delay resulting from administrative activities undertaken by a student in the first semester of their second year of study of their Bachelor's programme will not be recognised. It has also been determined that any study delay resulting from an administrative activity undertaken by a student in the second semester of the second year of his studies will only be recognised if, at the end of that second year, the student in question has met the requirement contained in the article - that is, he has successfully completed the 'propedeuse' and obtained thirty credits. The third paragraph now states that, for the subsequent years, the student must, when beginning his administrative activity, have successfully completed the 'propedeuse' and have obtained 45 credits. The fourth paragraph relates to an additional progress requirement that applies to students carrying out a full-time administrative function. The fifth paragraph contains an exception in relation to fulfilling administrative functions in democratically elected bodies (student council and Board of Studies).*

The article has been renumbered.

#### *2014 change*

*The progress requirements in relation to carrying out an administrative activity have been amended, in particular by dropping the progress percentage, by imposing a requirement on the number of credits that must have been obtained, and by limiting the RAS allocation in the second year of study to no more than four guarantee months. In the second and third year of study, allocation depends on the student having obtained sixty (from the first year of study) or ninety credits respectively (sixty from the first year, and thirty from the second). Any student who in their third year of study begins an administrative activity should therefore have a total of ninety credits at the start of the year (1 September), and 110 credits by the following 1 April. For an administrative activity in the fourth year of study, the student should have obtained 135 credits at the start of the year (on 1 September) (sixty credits from the first year of study, thirty from the second, and 45 additional credits), and 155 credits by the following 1 April (sixty credits from the first year of study, thirty from the second, and 65 additional credits:).*

*With the new arrangements, notifying the academic counsellor is now limited to full-time administrative functions. Given the changes to the progress requirements, there is no longer any need to give notice in relation to functions of six months' duration or more.*

*The first paragraph also states that the credits required must have been obtained from the study programme that the student was taking at the time of his application. Credits obtained in a previous programme (at TU Delft or elsewhere) will not be recognised.*

*The article has been renumbered for the sake of the reader.*

## **ARTICLE 6**

This article gives a description of the procedure to be followed when submitting an application for recognition of delay to one's studies.



With regard to the role of the academic counsellor, the article basically means that an application for recognition of delay to a student's studies as a result of a situation beyond his control or because he wishes to carry out an administrative activity must be accompanied by a statement by the academic counsellor.

In practice, special forms designed for this purpose are used (Art. 6.4).

#### *2014 change*

*Carrying out a full-time administrative activity is only possible for students in their third and fourth year of study. The academic counsellor should state in such cases that the student in question has met the relevant study progress requirements.*

### **ARTICLE 7**

At TU Delft, the CCFO has the task of advising the Executive Board on applications as meant in this Scheme and relevant policy. The role, procedure and method of appointing its members, as well as the working methods of the CCFO, are included in the Article.

The members of the CCFO work at TU Delft, which means they are bound by the obligation of confidentiality that forms part of the collective labour agreement for Dutch universities. It has therefore been decided not to include this confidentiality obligation in the Scheme regulations.

In practice, the CCFO is assisted by employees who are involved in the relevant field, such as a student counsellor or lawyer. It is also possible that the CCFO receives assistance from those in other disciplines (Art. 7.4).

The secretarial duties of the CCFO are currently carried out by the Central Student Administration. As it is not certain whether this will continue in the future, the fifth paragraph in the article states only that the CCFO has a secretary's office.

#### *2010 change*

*The CCFO currently advises on both applications for allocation of graduation support and on objections to rulings on these applications. The latter was originally not part of the advisory function of the CCFO. The Higher Education Appeals Board (CBHO) has ruled that the advisory role of the CCFO should extend to objections to rulings on RAS applications. The entering into force of the WHW has led to this role being adapted. The new Article 7.63a of the WHW, which relates to the powers and composition of the disputes committee, states that the new disputes committee should investigate whether an amicable agreement between the parties is possible, and that the university should reach a decision on an objection no later than four weeks after receiving it. The obligation to look for an amicable agreement and short period for a decision to be taken mean that the advisory function of the CCFO should be limited to the original applications. It is still possible, of course, that the CCFO is involved in advising on objections, through the attempts at finding an amicable agreement. TU Delft has included the amicable agreement in Art. 7 of the TU Delft Student Objections Committee Regulations (Appendix 4 to the TU Delft Executive and Management Regulations) and set it out in greater detail in the same article.*

*Article 7 states that the advisory role of the CCFO relates solely to original applications.*

### **ARTICLE 8**

This article gives a description of the procedure to be followed when submitting an application for payment of financial support. With regard to the first paragraph, it should be pointed out that students must submit their applications in good time. Late applications will inevitably result in payment being refused, either wholly or partly. Imposing a time limit of this kind has been adjudged as acceptable by the CHBO (see, for example, CBHO 18 March 1996, no. CBHO 95/153; CBHO 14 January 1998, no. CBHO 97/209).

Experience shows that the official processing of applications takes several weeks. A period of six weeks is not unusual. Students are therefore advised to allow for this when submitting their applications.

The first paragraph refers to receiving applications. Submitting applications by post entails a degree of risk. Students should bear in mind that one such risk is that their application is received late.

#### *2010 change*

*The expansion of Article 8 is of importance to international students who are not entitled to a performance-related grant. In order to set a fixed period of time between the moment at which an application is submitted and payment, it has been decided that applications by international students should be submitted before the start of their nominal period of study.*

*The terms used in the article have been altered in line with the amended Article 7.51 of the WHW.*

### **ARTICLE 9**

The first paragraph deals with the way in which the Executive Board reaches its decisions. The period mentioned therein is indicative, although eight weeks is easily sufficient for deciding on an application. In accordance with the Scheme, the Executive Board is bound to make a decision after receiving advice from the CCFO (see CBHO 15 March 2001, no. CBHO 2000/042).

The second paragraph is derived from the fourth paragraph of Art. 7.51 of the WHW and states the level of the financial support.

#### *2010 change*

*Prompted by the amended Art. 7.51 of the WHW, the term 'performance-related grant' has been added to the article. The second paragraph regulates the level of the amount of financial support to be paid out. As a rule, it amounts to 100% of the performance-related grant, as meant in Section 5 of the WSF 2000; if the student is carrying out administrative activities, it amounts to 90% of the performance-related grant.*

#### *2012 change*

*Prompted by the amended Art. 7.51, fourth paragraph of the WHW (higher-level tuition fees and circumstances beyond a student's control), a third paragraph has been added to Art. 9. It is stated that the level of graduation support to be paid out should be determined by calculating the difference between regular tuition fees (Art. 7.45 of the WHW) and the higher-level tuition fees (Art. 7.45b of the WHW).*

#### *2013 change*

*The abolition of the long-term study penalty means that the third paragraph that was added to Art. 9 in 2012 no longer applies. The new third paragraph also states that the allocation in the event of a situation beyond a student's control is set at a maximum of twelve months. After a recommendation by the academic counsellor, support for a longer period may be granted. It can be assumed that the proposed maximum is in keeping with the interests of students and the Executive Board. After all, it obliges students to consult the academic counsellor in good time, while at the same time the Executive Board has a situation to deal with that can be properly overseen and which is manageable. In the event of a longer-term allocation, the academic counsellor should ask himself whether or not the student's interests would be best served by his unenrolling from TU Delft.*

#### *2014 change*

*The article also states that students carrying out an administrative activity that results in the granting of a committee month should receive €120 per month.*

#### 2016 change

*Art. 9.2: The payment for a committee month is based on the basic student grant, not the performance-related grant - this is still a transitional provision in the WSF 2000, for existing cases. The aim is not to change the existing situation, but the term 'basic student grant' gives a clearer idea of the level of the monthly payments than does that of 'performance-related grant'. The term 'performance-related grant' does continue to play a role in the RAS, however, as it is important for determining how long the services are available and when they can be applied for and used.*

#### **ARTICLE 10**

This article deals with when financial support payments are made. It basically states that the payment of financial support is made after the period of the combined student grant, although payment in relation to a delay in a student's studies due to his carrying out an administrative activity or to his being in a situation beyond his control during his Bachelor's programme may be made earlier. This has already been covered in the general explanatory notes.

#### 2010 change

*This article covers the payment of graduation support. The article goes into some detail, for the benefit of international students. The payment of graduation support may take place during or after the nominal period of study.*

#### 2012 change

*The amendment to art. 7.51, fourth paragraph, of the WHW, has led to the addition of an extra paragraph to Article 10 and to the existing paragraphs being renumbered. The new third paragraph deals with when payment of graduation support to students should be made. It has been decided that payment is to be made after the end of the nominal period of study, assuming an extra year of student grants in accordance with WSF 2000 (illness or functional disability). Payments should be made in monthly instalments, and the student must be enrolled at TU Delft.*

*Students will be eligible for compensation for the long-term study penalty, if their falling behind schedule in their studies resulted in their studies lasting longer than the nominal period of study, the regular extra year, and the so-called DUO year. A maximum of twelve months has been specifically included in the Scheme in order to encourage students' progress. This period may be extended after consultation with academic counsellor. From the advice from the academic counsellor, it should be apparent that account has been taken of the student's study progress, the possibility of terminating the student's enrolment in the event of a long-lasting situation that is beyond his control, and the extent of the study delay in relation to the programme.*

*The allocation of graduation support is linked to the period covering the recognised study delay resulting from a situation beyond a student's control. If, for example, five months' delay are recognised, then the period of payment of the difference between the higher-level tuition fees and the basic tuition fees may not exceed this five-month period. In that case, payment would therefore be no more than 5/12ths of the amount that exceeds the basic tuition fees.*

#### 2013 change

*The abolition of the long-term study penalty means that the third paragraph that was added to Art. 10 in 2012 no longer applies.*

#### 2014 change

*Experience shows that the allocation of guarantee months in the form of monthly instalments results in a considerable administrative burden. It has therefore been decided that committee months, which generally relate to a modest allocation, will be paid out in one go. The obligation on the part of the student to be enrolled for a degree programme at TU Delft remains.*

## ARTICLE 11

The Scheme has generally binding force, based on Art. 7.51 of the WHW. The Executive Board is obviously bound to comply with and act in accordance with the Scheme. From that perspective, there would therefore be no possibility for deviating from the Scheme in the event of its application resulting in unreasonable hardship or clear injustice. For such cases, the hardship clause offers a way of deviating from the Scheme and finding a just solution.

The letter and spirit of the article indicate that requests based on the hardship clause should only be honoured in highly specific cases.

The hardship clause does not allow deviations from legal provisions of a mandatory nature, such as in the WHW and WSF 2000. The Executive Board must comply with these provisions in full; it therefore has no scope for deciding differently (see, for example, CBHO 28 May 2004, no. CBHO 2003/067).

In respect of the foregoing, it should be pointed out that a hardship clause is contained in Art. 7.51, second paragraph, preamble and under subsection i of the WHW. This hardship clause allows for the possibility of allocation financial support on the grounds of an exceptional circumstance other than those mentioned in Art. 7.51 of the WHW.

## ARTICLE 12

This article deals with transitional arrangements. The first paragraph stipulates that objections that have already been submitted are being dealt with in accordance with the RFOS 2004-2005.

The second paragraph also covers transitional arrangements. The provisions in this paragraph are derived from Art. 2.1, preamble, subsection c of the RFOS. This article basically stated that students of foreign nationality who did not receive a combined student grant, but who nonetheless fell behind schedule in their studies as a result of carrying out administrative activities, were entitled to claim financial support under the terms of the RFOS.

As already stated, the circumstance that led to the delay must have arisen during the period of receipt of a combined student grant, as set down by Art. 7.51 of the WHW. Given that foreign students are able to claim a combined student grant only in exceptional cases (Art. 2.1. of the WSF 2000 in conjunction with Art. 3 of the Student Grant Decree), these students too are not entitled to graduation support. It should therefore be established that the provision for this area in the RFOS cannot be founded on a legal basis and therefore cannot be included in the Scheme.

It is a fact that administrative functions are currently filled by foreign students, or will be. It is quite possible that these students have taken on their administrative activities in the expectation that this would lead to allocation of guarantee months on the grounds of the relevant provision in the RFOS and have modified their study schedules for that reason. It therefore would appear unfair to end the current arrangements for foreign students without transitional arrangements. The start of the academic year on 1 September 2006 offers foreign students plenty of time and opportunity to submit their applications for allocation, providing the Executive Board receives them before 1 September 2006. Payment may be made at a later time.

It goes without saying that the other provisions of the Scheme remain in full force for this category of student.

### *2010 change*

*The existing transitional arrangements is outdated and may be scrapped. Instead, they are to be replaced by a transitional scheme for the new paragraph 9.2., which imposes a restriction of the amount of graduation support to be paid out if the student has carried out administrative activities - that is, 90% of the performance-related grant instead of 100%. Individual*

*applications for the allocating of guarantee months that were submitted before 1 September 2010 are covered by the old system. In such cases, payment will continue to be 100% of the performance-related grant.*

*2013 change*

*The article includes a new second paragraph. The paragraph contains a rule about transitional arrangements in relation to students wishing to carry out an administrative activity in their third year of study.*

*The article has been renumbered.*

*2014 change*

*The provisions in the second paragraph are no longer relevant, and have been scrapped to prevent 'textual clutter'.*

**ARTICLE 13**

After the entering into force of the Scheme, there will be no longer any need for the RFOS, which can also lapse. The appendix and guarantee month list referred to in the article remain in full force. Both were an appendix to de RFOS, and following the entry into force of the Scheme, they should be regarded as an appendix to it. It is not inconceivable that they will be amended in the future.

**ARTICLES 14 EN 15**

These articles respectively determine the date on which the Scheme regulations come into force and the way in which they should be cited.

Ir. G.J. van Luijk

Chair

# Annex on the assessment procedure for the allocation of guarantee months for administrative activities

## **ARTICLE 1 RECOGNITION OF STUDENT ASSOCIATIONS**

1. Financial assistance is possible for positions at student associations recognised by the Executive Board according to the procedure described in this appendix.
2. The student association, not being a student society:
  - a. which on 1 December of the academic year preceding the academic year for which the application applies has a minimum of 75 members, of which at least 75% of the total number of members on that date are enrolled as students at either TU Delft or a University of Applied Sciences (HBO), on the understanding that a sports club in box 3 must have at least 50 members who are enrolled as students at TU Delft;
  - b. which has conducted activities as a student association according to its statute for at least two years;
  - c. of which membership is open to TU Delft students, and
  - d. which according to the judgement of the Executive Board contributes to a varied and efficient supply of student associations in Delft, may apply to the Executive Board for the allocation of guarantee months.
3. On the advice of the Central Committee for Financial Assistance and in accordance with Article 8, paragraph 1, the Executive Board will inform the association within three months whether the request for recognition of the association has been approved such that the association will be admitted to the guarantee month scheme as of the subsequent academic year.
4. Recognition by the Executive Board is provisional, and its finalisation will depend on the content of the report referred to in Article 9. This definitive recognition will not be made if the organisation concerned has harmed the good name and reputation of TU Delft.

## **ARTICLE 2 ASSESSMENT AND DISTRIBUTION OF GUARANTEE MONTHS FOR ADMINISTRATIVE ACTIVITIES**

- 2.1 The Executive Board stipulates annually on no later than 1 February the number of guarantee months that will be available for administrative activities in the subsequent academic year.
- 2.2 In accordance with Articles 4, 5 and 6, the Executive Board distributes this number of guarantee months among the recognised associations, operating according to the following division into categories:
  1. social clubs (Box 1);
  2. student societies (Box 2);
  3. sports clubs (Box 3);
  4. administration and representation of student interests (Box 4);
  5. projects (Box 5).
- 2.3 The Executive Board will inform the associations admitted to the guarantee month scheme of the number of guarantee months available for each association for the subsequent academic year, no later than 1 March.

## **ARTICLE 3 APPLICATION**

1 Each association must submit an application for the allocation of guarantee months to the Executive Board no later than 1 May, accompanied by a subdivision into administrative and committee months.

2 The application by the student association, whereby hereunder student societies are also understood, must include:

- a. the statutes of the student association, if these are not yet in the possession of the Executive Board or if they have been revised;
- b. a specification of the positions within the association which in the association's opinion are eligible for the allocation of guarantee months, as well as the number of guarantee months to be allocated for each position. This provision does not apply to the Central Student Council, faculty student councils or the Freshman Week (OWEE) working group;
- c. the number of members of the association as of 1 December of the academic year preceding the academic year to which the application refers, accompanied by an audit report; for student societies and other degree programme-related associations, it is the number of members enrolled 'as a student' in the degree programme as of 1 December of the academic year preceding the academic year to which the application refers;
- d. an overview of all positions fulfilled within the current academic year, traceable to individual students, as far as these positions appear on the Guarantee Month List for that academic year;
- e. all other information that the Central Committee for Financial Assistance regards as being necessary for a full assessment of a recommendation concerning the application. Each year the Committee will inform student associations of what information is needed.

The Executive Board may determine that one or more of the elements a to d in this paragraph are not applicable.

3 No later than 1 July, the Executive Board will announce in the Student Charter and/or by other means how many guarantee months each student association will be allocated, in principle. In accordance with Article 2, paragraph 2, this information will be published in the Guarantee Month List, which is included as an appendix to the regulations that apply in the academic year to which the applications refer.

#### **ARTICLE 4      DISTRIBUTION OF GUARANTEE MONTHS AMONG THE ASSOCIATIONS INCLUDED IN BOX 1 OF THE GUARANTEE MONTH LIST (SOCIAL CLUBS)**

1 The Executive Board determines the number of guarantee months that may be allocated to the student associations referred to in Box 1 of the guarantee month list as follows. The Executive Board allocates a fixed number of eighteen guarantee months to these student associations. Furthermore, associations that have large premises receive 12 extra guarantee months, while those that have small premises receive 6 extra guarantee months. Associations with professional catering receive 12 extra guarantee months, those with non-professional catering, 3 extra guarantee months. These allocations are deducted from the total number of guarantee months available for these associations in accordance with Article 2 paragraph 2. The remaining number of guarantee months is distributed in proportion to numbers of members. The number of members on 1 December of the previous academic year provides the benchmark for this.

#### **ARTICLE 5      DISTRIBUTION OF GUARANTEE MONTHS AMONG THE ASSOCIATIONS INCLUDED IN BOX 2 OF THE GUARANTEE MONTH LIST (DEGREE PROGRAMME-RELATED ASSOCIATIONS)**

1. The associations that pursue their activities within or proceeding from TU Delft degree programmes and faculties include student societies (Box 2).
2. Only one society for each degree programme may submit an application to the Executive Board for the allocation of guarantee months (Box 2).
3. Based on the number of students enrolled in the degree programme concerned as of 1 December of the previous year, the Executive Board will determine for each society how many administrative positions are eligible for the allocation of 12 guarantee months on the basis of the table below.

number enrolled	Number of full-time administrative positions
0<250	4
250<1000	5
1000<1500	6
>1500	7

The total number of these allocated positions, converted into guarantee months, is deducted from the total number of guarantee months available for these associations, as referred to in Article 3 paragraph 5. In addition, each society is allocated a fixed number of 15 guarantee months.

#### **ARTICLE 6 DISTRIBUTION OF GUARANTEE MONTHS AMONG THE ASSOCIATIONS INCLUDED IN BOXES 3 (SPORTS), 4 (ADMINISTRATION, AND REPRESENTATION OF STUDENT INTERESTS) AND 5 (PROJECTS) OF THE GUARANTEE MONTH LIST**

1. On the advice of the Central Committee for Financial Assistance, the Executive Board will decide no later than 1 May of the preceding academic year on the allocation of guarantee months to the associations in boxes 3, 4 and 5 of the guarantee month list. The organisations in these categories must submit a well-founded application to the Executive Board, in principle annually. Article 1, paragraphs 2 and 3, apply accordingly.
2. In awarding guarantee months to the clubs in box 3, the Executive Board will seek advice from the Head of Sports and Culture at TU Delft, and from the Students Sport Delft foundation (DSSF).
3. In exception to the stipulation in the first paragraph, a fixed number of guarantee months applies to positions in the Central Student Council, faculty student councils and the Freshman Week (OWEE) working group.

#### **ARTICLE 7 BOX 5**

1. The Executive Board can entitle an organisation to receive guarantee months under box 5 (projects) if the following criteria are met:
  - a) the activities carried out in association with the project do not fall within the compulsory curriculum, but are in line with TU Delft's primary activities (education and research), and the student receives no other financial compensation for the activities;
  - b) the project contributes to the student's academic development;
  - c) the project reflects particularly positively on TU Delft and its reputation; where necessary advice may be obtained from an expert in the field of public relations and marketing, for example via the TU Delft department of Marketing & Communication (M&C);
  - d) the activities are functional for the continuity of the project and have a considerable scope;
  - e) the activities will result in a delay in the progress of the student's studies of at least three months;
  - f) the application is submitted before the commencement of the activities to be performed, and is accompanied by an explanation of how the time is to be spent;
  - g) a student will not be awarded both credits and guarantee months for the same activity; it is relevant whether the activities can be a component of the degree programme, and active involvement in the project can be expected of the student.
2. The recognition applies for an entire academic year.
3. The Stevin 1 Steering Committee advises the Executive Board on the allocation of guarantee months under box 5.

#### **ARTICLE 8 REPORTING**

No later than 31 December of the calendar year in which the academic year ends, each recognised student association must submit a short report of the association's activities in the preceding academic year, including findings on the allocation of guarantee months.



## **ARTIKEL 9      OBJECTION**

The association concerned may submit an objection to a decision made by the Executive Board as referred to in Article 1, paragraph 3, and Article 6, paragraph 1, of this procedure, as described in the body of the Student Charter, Part I, Section 10, Legal protection.

## **ARTICLE 10      INTERIM PROVISIONS**

1. Applications submitted before the day these regulations come into force will be handled and concluded according to the regulations applicable up to that point.
2. Objections relating to applications submitted before the day these regulations come into force will be handled and concluded according to the regulations applicable up to that point.

## **ARTICLE 11      COMMENCEMENT AND PUBLICATION**

1. The scheme enters into force with effect from 01 September 2014.
2. The scheme shall be published on the TU Delft website. The regulations, the publication on the website, and their availability for consultation, will be announced in Delta, TU Delft's weekly magazine.

# Appendix notes on amendments to the 2008 graduation support scheme (RAS)

## **GENERAL**

On the grounds of Art. 7.51, paragraph 2, heading and under f, of the Higher Education and Scientific Research Act (WHW), students may be entitled to financial assistance for the fulfilment of an administrative position. In order to be entitled, the student must meet the conditions of the Graduation Support Scheme (RAS), and the student association within which the administrative position is fulfilled must comply with the requirements as set down in the procedure for determining the allocation of guarantee months for administrative activities ('Procedural Regulations') in the Appendix. It is also a requirement that the administrative position concerned appears on the guarantee month list, which details the distribution of months among the student societies.

Apart from conditions for the recognition of student associations, the Procedural Regulations contain a model on the basis of which the available number of guarantee months, up to an annual maximum, is distributed. In the amended regulations, this 'distribution model' is based on six boxes. The annual allocation of guarantee months is made up to a maximum number in each box. This absolute maximum for allocation may not be exceeded. For the further distribution of months within the box, varying criteria apply for each box.

The revision of the Procedural Regulations concerns a redistribution of the number of months among and within boxes, as well as a change in the criteria and procedural rules for the recognition of student associations. The revision also provides for projects in a separate box (the new box 6) for projects and sets an upper limit on the number of months to be allocated for five-year anniversaries (box 5b).

### *General changes to the RAS appendix in 2014*

Due to the commitment to a more cost-conscious RAS, the Guarantee Month List and the accompanying Procedural Regulations have been modified. Box 2b on the Guarantee Month List no longer exists and several shifts have occurred. In addition, there is now an explicit division in administrative and committee months on the list.

## **EXPLANATORY NOTES BY ARTICLE**

### **ARTICLE 1**

This article refers to the recognition of so-called student associations. Within the Graduation Support Scheme (RAS), the term 'Student associations' is an inclusive term used to refer to social clubs, sports clubs and student societies.

In the new second paragraph, subsection a, the criterion for the minimum number of members is broadened in two ways: 50 members for sports clubs in box 3, studying at TU Delft, and 75 members for other societies. In determining this criterion, in contrast with the previous regulations, University of Applied Sciences (HBO) students also fall within the second category.

A fourth paragraph has been added to the article. According to the revised Procedural Regulations, the annual recognition of student organisations, with the exception of organisations mentioned in box 4, will be made provisionally at the time of

application. It will thus be possible to ensure that the organisation making the application genuinely carries out the activities included, and that it meets any further obligations. Depending on the content of the organisation's mandatory report (included in article 9, new numbering), providing an account of the activities to be carried out, the provisional recognition will be converted into a definitive recognition. This definitive status will not be granted if the organisation's activities have harmed the good name and reputation of the university. The Executive Board will only refuse definitive recognition in exceptional and extremely clear-cut circumstances.

## **ARTICLE 2**

In this article, the project box (box 6) is introduced and an upper limit is set on the number of guarantee months available for the celebration of student societies' five-year anniversaries (box 5a).

As of the academic year 2009-2010, the project box will comprise 500 months, for which the applications must fulfil the criteria in Article 8. For the academic year 2008-2009, a transitional measure applies to the project box. This is included in the annually determined guarantee month list. In its application of this article, the Executive Board will seek advice from the broadly-based Stevin 1 Steering Committee. The Stevin 1 committee will advise the Central Committee for Financial Assistance (CCFO), which in turn will advise the Executive Board.

The amendment to the Procedural Regulations sets a maximum number of guarantee months for student association anniversary activities. This is established in Article 7 and detailed in the guarantee month list.

### *2014 change*

*The removal of box 2b has led to the renumbering of the article.*

## **ARTICLE 3**

### *2014 change*

The article now explicitly states that administrative and committee months have been included in the Guarantee Month List.

## **ARTICLE 5**

### *2014 change*

The removal of box 2b has led to the renumbering of the article.

## **ARTICLE 6**

Article 6, second paragraph, regulates the advisory role of the Head of Sports and Culture and SSD regarding recognition in box 3. It may be assumed that on the basis of their experience and expertise they will be capable of providing sound advice.

### *2014 change*

Several organisations have been placed in a different spot in the Guarantee Month List and the five-year anniversary months no longer need to be mentioned separately. The article has been modified accordingly.

## **Article 7**

This new regulation sets a limit on the number of guarantee months available for student societies' activities in celebration of five-year anniversaries. This limit was not included in the previous regulations. The maximum is set at 50 guarantee months, on the understanding that within an academic year student societies are able to make use of reserved guarantee months for anniversary activities.

*2014 change*

The new Guarantee Month List has been adapted to the removal of the five-year anniversary months from the regulations. The article was removed.

**ARTICLE 8**

This regulation is entirely devoted to the newly introduced project box (box 6). The article provides for a procedure for the allocation of guarantee months, detailing the criteria to be applied. In applying the criteria, the Executive Board will seek advice from the Stevin 1 Steering Committee and the CCFO.

The existing Article 8, which included a possibility for objection, no longer applies. Given that the Dutch General Administrative Law Act (AWB) comprehensively regulates the possibility for recourse to a legal remedy, there is no further need for a separate article. Moreover, the possibilities for legal protection are also discussed comprehensively in the Student Charter.

*2014 change*

The article was renumbered.

**ARTICLES 9 AND 10**

These articles regulate the interim provisions and commencement respectively.

*2014 change*

The articles were renumbered.

D.J. van den Berg

Chair

# Annex 2b

## Profiling Fund Scheme<sup>3</sup>

### THE EXECUTIVE BOARD OF THE DELFT UNIVERSITY OF TECHNOLOGY

THE EXECUTIVE BOARD OF THE DELFT UNIVERSITY OF TECHNOLOGY

Considers it desirable that detailed rules are established regarding the provision of financial support to students of the Delft University of Technology for an acknowledged delay in the progress of their studies;

that, due to various developments and new policy principles, the existing TU Delft Graduation Support Scheme (Regeling afstudeersteun TU Delft, RAS) should be replaced with a new scheme;

and establishes

In view of Article 7.51h of the Higher Education and Scientific Research Act;

With the consent of the Central Student Council (meeting dated 22 March 2017 and letter dated 30 March 2017, with reference MK/SR/17/03);

the following rules:

### I GENERAL SECTION

#### ARTICLE 1 DEFINITIONS

1. WHW  
The Higher Education and Scientific Research Act (Wet op het hoger onderwijs en wetenschappelijk onderzoek) (Bulletin of Acts and Decrees 1992, 593);
2. TU Delft  
The Delft University of Technology;
3. Executive Board  
The university administration of TU Delft;
4. Student  
A student who is enrolled at TU Delft for a full-time degree programme offered by TU Delft with the aim of successfully completing the final exam of a Bachelor's or Master's degree programme and who is obliged to pay the statutory tuition fee for this or, in case of international students, the institutional tuition fee;
5. International student  
A student who does not meet the nationality requirement within the meaning of Article 2.2 of the Student Finance Act 2000 (Wet studiefinanciering 2000), does not hold the Surinamese nationality, and is resident in the Netherlands, Belgium, Luxembourg or one of the German federal states of North Rhine-Westphalia, Lower Saxony or Bremen;

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<sup>3</sup> This is a translation of the Dutch version of the Regulations. In case of a conflict between the English and Dutch version of the Regulations, the Dutch version will prevail and will be binding

6. Circumstances beyond the student's control  
Exceptional circumstances within the meaning of Article 7.51, paragraph 2, parts (c) to (f) of the WHW;
7. Administrative activity  
An exceptional circumstance within the meaning of Article 7.51, paragraph 2, parts (a), (b) and (g) of the WHW and which is recognised as such by the Executive Board;
8. Financial assistance  
Financial assistance within the meaning of Article 7.51 of the WHW, other than the supplementary grant, which is expressed as a monthly amount;
9. Supplementary grant  
Supplementary grant within the meaning of the Student Finance Act 2000;
10. Administrative month  
Financial assistance for an administrative activity performed in an administrative or similar position;
11. Committee month  
Financial assistance for an administrative activity not performed in an administrative or similar position;
12. Full-time administrative activity  
A recognised administrative activity of 12 months performed by a full-time administrator.

## **ARTICLE 2 SCOPE**

This Scheme includes the conditions under which financial assistance is granted by the Executive Board to a student who is faced with exceptional circumstances, within the meaning of Article 7.51, paragraph 2 of the WHW, which have led or are expected to lead to a study delay.

## **ARTICLE 3 GENERAL CONDITIONS FOR ACKNOWLEDGMENT OF STUDY DELAY**

Conditions for the acknowledgment of study delay due to exceptional circumstances:

- a) The student is unable to follow or complete the degree programme as a result of exceptional circumstances;
- b) the exceptional circumstances occur or have occurred in the period during which the student is or was entitled, in relation to this degree programme, to the performance-related grant for higher education within the meaning of the Student Finance Act 2000 or, in case of international students, during the first five years of enrolment in a full-time degree programme at TU Delft;
- c) the exceptional circumstances have led or are expected to lead to a study delay; and
- d) the student has not been allocated any financial assistance earlier (elsewhere) by TU Delft or by another university or university of applied sciences.

## **ARTICLE 4 DECISION AFTER OBTAINING THE ADVICE OF THE CENTRAL COMMITTEE FOR FINANCIAL ASSISTANCE**

1. The Central Committee for Financial Assistance (Centrale Commissie Financiële Ondersteuning, CCFO) is responsible for offering advice to the Executive Board on the applications referred to in this Scheme, except for advice on objections challenging the decision regarding an application.
2. The Executive Board appoints the members of the CCFO and may draw up guidelines for the CCFO related to its advisory task.
3. After obtaining the advice of the CCFO, the Executive Board takes a decision regarding an application as soon as possible, but no later than eight weeks after receiving the application, unless otherwise stated in this Scheme.

## **II CIRCUMSTANCES BEYOND THE STUDENT'S CONTROL**

### **ARTICLE 5 OTHER EXISTING FACILITY TAKING PRECEDENCE**

A student who applies for an acknowledgement of study delay must - if applicable - first use another existing facility before being entitled to claim financial assistance based on this Scheme. When allocating financial assistance, any financial compensation awarded to the student earlier based on another existing facility is taken into account.

### **ARTICLE 6 REPORTING AND APPLICATION**

1. If faced with circumstances beyond his or her control, the student contacts the counsellor in order to report this as soon as possible, but no later than three months after these circumstances have occurred or are expected to occur. Subsequently, the student makes agreements with the academic counsellor regarding the progress of his or her studies and submits an application based on this Scheme. If the exceptional circumstances are expected to continue for a prolonged period of time, i.e. longer than six months, the possibility of terminating the enrolment is considered in consultation with the academic counsellor.
2. An application for acknowledgement of study delay due to exceptional circumstances is submitted as soon as possible, but no later than three months after the occurrence of the circumstances that have caused the study delay. The application for acknowledgement is also valid as a request for payment of financial assistance.
3. If the reporting of the circumstances or application for acknowledgement of study delay is submitted later than the aforementioned period of three months, the financial assistance is reduced by the period exceeding the three months.
4. An application for acknowledgement of study delay due to circumstances beyond the student's control is accompanied by a declaration by the academic counsellor stating that he or she has had discussions with the student regarding the study progress, the possibility of terminating the enrolment if the circumstances that are beyond the student's control continue for a prolonged period of time, and the extent of the study delay in relation to the degree programme. In case of medical or psychological circumstances, the application is accompanied by a declaration by, respectively, the university-contracted doctor or the university psychologist.

### **ARTICLE 7 DURATION AND AMOUNT OF FINANCIAL ASSISTANCE**

1. If the study delay is caused by exceptional circumstances within the meaning of Article 7.51, paragraph 2, parts (c), (d) and (e) of the WHW, the financial assistance is maximised at 12 months.
2. The Executive Board determines the amount of the financial assistance to be granted each year. For academic year 2018-2019, this amounts to EUR 265.
3. A student who receives a supplementary grant during the period of study delay, within the meaning of the Student Finance Act 2000, may, in addition to the financial assistance, apply for the supplementary grant amount to which he or she is entitled, on submission of the supporting documents relating to this supplementary grant amount.

### **ARTICLE 8 PAYMENT OF FINANCIAL ASSISTANCE**

1. The payment of financial assistance, based on circumstances beyond the student's control, occurs in monthly terms at the end of the nominal duration of study.
2. At the time of payment, the student must be enrolled in a degree programme at TU Delft.

## CHAPTER III ADMINISTRATIVE ACTIVITIES

### § 1 RECOGNITION OF ASSOCIATION OR ORGANISATION

#### ARTICLE 9 GENERAL REQUIREMENTS FOR RECOGNITION

1. Financial assistance may be allocated for performing administrative activities for associations and organisations recognised by the Executive Board in accordance with the provisions laid down in this Scheme.
2. To be considered eligible for recognition, the associations and organisations must meet the following general requirements, in addition to the requirements by type of association or organisation as included in Article 10:
  - a. The activities, as evident from the purpose of the association or organisation, contribute to the academic or personal training and development of the student;
  - b. The activities do not restrict students' access to or participation in the degree programme;
  - c. The association or organisation promotes the diversity of its members or participants through the integration of minority groups and foreign students;
  - d. No unjustified distinctions are made when admitting persons as members of the association or participants in the activities;
  - e. While conducting the activities, the association or organisation safeguards the good name and reputation of TU Delft and its student community;
  - f. The activities carry no profit motive;
  - g. The range of activities offered is diverse and effective in the sense that the activities 1) promote the social involvement of the members or participants and are partly focused on the Delft community; 2) are sufficient in scope and a large number of TU Delft students participate in them; and
  - h. The association or organisation complies with the legal regulations and carries out an annual risk assessment in relation to safety. The above requirements do not apply to the representative bodies referred to in Article 10, paragraph 1 and to other associations and organisations exempted from the above requirement by the Executive Board.
3. Recognition is granted in one of the following categories:
  1. Representative Bodies (Box 1);
  2. Study Associations (Box 2);
  3. Social Clubs (Box 3);
  4. Sports and Cultural Associations (Box 4)
  5. Student Projects in Education and Research (Box 5);
  6. Interests and Other Projects/Activities (Box 6).

#### ARTICLE 10 FURTHER REQUIREMENTS FOR RECOGNITION BY CATEGORY OF ASSOCIATION OR ORGANISATION

1. The following are recognised as representative bodies:
  - a. Central Student Council;
  - b. Faculty Student Council;
  - c. Boards of Studies;
  - d. student parties represented within the Central Student Council.
2. For each degree programme, the Executive Board may recognise one study association, which develops activities from within and based on the degree programmes and faculties of TU Delft, as well as one umbrella organisation of study associations.



3. A student association with legal entity status, other than a study association or a sports or cultural association, may be recognised as social club, if the following requirements are met:
- on 1 December of the academic year preceding the academic year to which the application refers, the association has at least 75 fee-paying members, where at least 75% of the total number of members are enrolled on that date as students at TU Delft or at an institution of higher professional education;
  - the association has carried out activities as a student association in accordance with its statutes for at least two years; and
  - the membership is open to TU Delft students.

In addition, one umbrella organisation of social clubs may also be recognised.

4. Students' sports or cultural association with legal personality may be recognised if the following requirements are met:
- on 1 December of the academic year preceding the academic year to which the application refers, the association has at least 50 fee-paying members who are enrolled as students at TU Delft;
  - the association meets the requirements stated in paragraph 3, parts b. and c.; and
  - the association meets the detailed requirements laid down by the Head of the Sports and Cultural Centre on behalf of the Director of Education & Student Affairs.

In addition, one umbrella organisation of sports associations may also be recognised.

5. An organisation which carries out activities within the context of a project, outside the scope of the compulsory curriculum but in line with TU Delft's primary activities, may be recognised within the category of Student Projects in Education and Research, if the following requirements are met:

- the activities carried out for the project fall outside the scope of the compulsory curriculum but are in line with TU Delft's primary activities (education and research) and the student does not receive any financial compensation for these activities;
- the project contributes to the student's academic development;
- the project reflects particularly positively on TU Delft and its reputation; where necessary, advice may be obtained from an expert in the field of public relations and marketing, e.g. via TU Delft's Communications department;
- the activities contribute to the continuity of the project and are sufficient in scope;
- the activities will lead to a study delay of at least three months;
- the application is submitted before the start of the activities and substantiated by a clear overview of the time to be spent;
- a student shall not be granted both credits and financial assistance for the same activity; here, it is important to consider whether the activities can be considered part of the degree programme and whether the student can be expected to participate actively in the project.

6. A student association with legal entity status other than an association within the meaning of paragraphs 2, 3 or 4 or a student organisation other than an organisation within the meaning of the paragraph 5 may be recognised under the category of Interests and Other Projects/Activities, if the Executive Board feels that the requirements as stated in paragraphs 1 to 5 are not completely met but there is question of these activities supplementing the offer of the associations and organisations, as referred to in paragraphs 1 to 5, especially if these activities:

- strongly promote the diversity of members or participants through the integration of minority groups and foreign students;
- particularly contribute to a diverse and effective offer, in the sense that they promote the social involvement of the members or participants and are partly focused on the Delft community; and
- reflect particularly positively on TU Delft and its reputation; where necessary, advice may be obtained from an expert in the field of public relations and marketing, e.g. via TU Delft's Communications department.

The activities must be such that they lead to a study delay of at least three months.

## **ARTICLE 11 APPLICATION AND DECISION REGARDING RECOGNITION**

1. Associations or organisations, with the exception of the representative bodies referred to in Article 10, paragraph 1, submit their application for recognition to the Executive Board before 1 January, prior to the period of the three-year cycle referred to in Article 12, accompanied by an application for the allocation of financial assistance for the coming academic year. The application is evaluated based on the conditions included in this Scheme.
2. Along with the application for recognition, the association or organisation provides the information necessary for assessing the conditions set out in Articles 9 and 10. In all cases, the following documents are submitted along with the application:
  - a. the statutes of the student association, if these are not yet in the possession of the Executive Board or if they have been revised in the intervening period;
  - b. a specification of the positions within the association, which the association believes may be entitled to the allocation of financial assistance.
  - c. the number of fee-paying members of the student association as of 1 December of the academic year preceding the academic year to which the application relates and the two academic years prior to that, if possible accompanied by an audit report or a statement issued by an administrative-audit consultant; for study associations and other degree programme-related associations, the number of students enrolled in the degree programme at the university as of 1 December of the academic year preceding the academic year to which the application refers and the two academic years prior to that;
  - d. an overview of all administrative activities, subdivided into administrative and committee positions held within the association during the current academic year for that academic year;
  - e. all other information that the Executive Board considers necessary for making a proper assessment of, and issuing a advice regarding, the application.The Executive Board may determine that one or more of the parts a. to d., as referred to in this paragraph, shall not apply to a particular association or organisation.
3. The Executive Board takes a decision before 1 March regarding whether the association or organisation will be recognised and the box to which it will be assigned.

## **ARTICLE 12 DURATION AND CYCLE OF RECOGNITION**

1. The recognition of an association or organisation in categories 1 to 4 and 6 is valid for the duration of three academic years, while that for an organisation in category 5 is valid for the duration of one academic year.
2. If an association is recognised by the Executive Board for the period of three academic years within the meaning of paragraph 1 of this Article and admitted to this Scheme, this recognition shall apply for the remaining academic years of this period.

## **ARTICLE 13 OBLIGATIONS**

1. The associations and organisations must continue to meet the general requirements set out in Article 10 throughout the period of recognition.
2. Every recognised association or organisation submits, no later than 1 January, a report of the administrative activities of the preceding academic year, including its findings in relation to the allocation of financial assistance. The Executive Board may lay down requirements for this report.

## **ARTICLE 14 PENALTIES**

The Executive Board may suspend or terminate with immediate effect the recognition of an association or organisation if the association or organisation in question or a member or participant thereof behaves in a manner that is socially unacceptable or otherwise harms the good name and reputation of the University, or if there is question of a significant violation of the requirements referred to in Article 9. The penalty will apply only to actions for which the board of the association or organisation is responsibility and for which it can be held liable.

## § 2 DISTRIBUTION OF ADMINISTRATIVE MONTHS AND COMMITTEE MONTHS

### ARTICLE 15 DETERMINING THE FINANCIAL ASSISTANCE BUDGET AND FLEXIBLE AMOUNT

1. For each period of three academic years within the meaning of Article 12, and no later than the first of March preceding the period of three years, the Executive Board determines the total annual budget which will be available during an academic year as financial assistance for administrative activities.
2. Depending on the number of administrative or committee months to be allocated pursuant to this Scheme for an academic year, the budget is determined annually per administrative or committee month, within the limits referred to in the paragraph 3, such that the sum [number of administrative months x amount determined per administrative month] + [number of committee months x amount determined per committee month] is equal to the annual budget.
3. The amount for an administrative month is minimum EUR 240 and maximum EUR 290, while the amount for a committee month is minimum EUR 95 and maximum EUR 145.

### ARTICLE 16 ANNUAL DISTRIBUTION

1. In accordance with this Scheme and the approved budget, the Executive Board determines, no later than 1 April each year for the coming academic year, the distribution of the number of administrative months and committee months among the recognised associations or organisations, subdivided into categories within the meaning of Article 9, paragraph 3.
2. The Executive Board determines the administrative month and the committee month amounts for the coming academic year at the latest by 1 April.

### ARTICLE 17 APPLICATION AND ANNUAL ALLOCATION

1. Every (recognised) association or organisation, with the exception of the representative bodies referred to in Article 10 paragraph 1, submits to the Executive Board, no later than before 1 January each year, an application for the allocation of financial assistance for the coming academic year, accompanied by a subdivision into administrative months and committee months.
2. The application must include the following:
  - a. An overview of the activities of the previous year: (financial) report for the previous year;
  - b. the number of fee-paying members of the student association as of 1 December of the academic year preceding the academic year to which the application refers and the two academic years prior to that, if possible accompanied by an audit report; for study associations and other degree programme-related associations, the number of students enrolled in the degree programme at the University as of 1 December of the academic year preceding the academic year to which the application refers and the two academic years prior to that; and
  - c. all other information that the Executive Board considers necessary for making a proper assessment of, and issuing a advice regarding, the application.

Part b. does not apply to study associations. In addition, the Executive Board may determine that one or more of the parts a. to c., as referred to in this paragraph, shall not apply to a particular association or organisation.
3. As part of the application, associations or organisations may submit motivated requests to set aside a part of the to-be-allocated committee months for administrative activities in the next anniversary year. The amount of financial assistance to be reserved for this is equal to the monthly amount determined for the academic year to which the application relates.
4. The Executive Board takes a decision regarding the application no later than 1 April.
5. The Executive Board may reduce the annual allocation if the obligations under this Scheme are not complied with or if the report reveals that an insufficient number of activities have been carried out.

## ARTICLE 18 ALLOCATION TO REPRESENTATIVE BODIES (BOX 1)

Each year, the Executive Board allocates financial assistance to the representative bodies in Box 1 based on the following distribution:

- a. Central Student Council: 120 administrative months;
- b. Faculty Student Council: 72 administrative months;
- c. Boards of Studies: 1 administrative month per committee member;
- d. The student parties represented within the Central Student Council: 8 committee months.

## ARTICLE 19 ALLOCATION TO STUDY ASSOCIATIONS (BOX 2)

1. Depending on the number of students enrolled in the relevant degree programme as of 1 December of the academic year preceding the academic year to which the application relates and the two academic years prior to that, each year the Executive Board determines the number of administrative or committee months to be allocated to each study association and the maximum number of full-time administrators in Box 2 based on the table below.

Number of students*	Number of administrative months	Number of committee months	Maximum number of full-time administrators
< 250	30	0	2
250-999	56	20	3
1000-1499	68	25	4
> 1500	80	25	5

\*Number of degree students enrolled in the related degree programme

2. Nine administrative months are allocated to the umbrella organisation of study associations.

## ARTICLE 20 ALLOCATION TO SOCIAL CLUBS (BOX 3)

1. Depending on the number of fee-paying members as of 1 December of the academic year preceding the academic year to which the application relates and the two academic years prior to that, each year the Executive Board determines the number of administrative or committee months to be allocated to each social club and the maximum number of full-time administrators in Box 3 based on the table below.

Number of members**	Number of administrative months	Number of committee months	Maximum number of full-time administrators
<200	30	0	1
200-499	56	30	3
500-999	80	80	5
1000-1499	102	130	6
>1500	124	180	7

\*\* Number of students paying the membership fee of which at least 75% are enrolled as students at TU Delft or at an institution of higher professional education

2. Ten administrative months are allocated to the umbrella organisation of social clubs.

## ARTICLE 21 ALLOCATION TO SPORTS AND CULTURAL ASSOCIATIONS (BOX 4)

1. Each year, the Executive Board determines the number of administrative or committee months in Box 4 that can be allocated to sports and cultural associations and also specifies the maximum number of full-time administrators. The allocation occurs after obtaining the advice of the Head of the Sports and Culture Centre of TU Delft and the Delft Students' Sports Foundation based on criteria established by these advisors, which have been approved by the Executive Board. The criteria are based on the number of fee-paying members and a financial compensation for the premises or for the necessary equipment for the sporting or cultural activity.

2. Nine administrative months are allocated to the umbrella organisation

#### **ARTICLE 22 ALLOCATION TO STUDENT PROJECTS IN EDUCATION AND RESEARCH (BOX 5)**

Each year, the Executive Board determines the number of administrative or committee months in Box 5 that can be allocated to projects. The allocation is done after obtaining the advice of the Steering Committee D:DREAM based on criteria established by the Steering Committee, which have been approved by the Executive Board. The criteria are based on the size of the project and its importance to the University and its student community.

#### **ARTICLE 23 ALLOCATION TO INTERESTS AND OTHER PROJECTS/ACTIVITIES (BOX 6)**

Each year, the Executive Board determines the number of administrative or committee months in Box 6 that can be allocated to other associations or organisations that serve the interests of TU Delft. The number of months per association or organisation is determined by the Executive Board separately for each application, based on the scope of the activities and the number of students reached through the activities; at the same time, the maximum number of full-time administrators is also specified.

#### **ARTICLE 24 ANNOUNCEMENT**

The announcement regarding the recognised associations or organisations and the number of administrative or committee months allocated to them is issued no later than 1 May via a notification sent to the associations or organisations and via publication on the TU Delft website.

### **§ 3 INDIVIDUAL APPLICATION**

#### **ARTICLE 25 REPORTING AND APPLICATION FOR ACKNOWLEDGEMENT OF STUDY DELAY**

1. A student reports his or her acceptance of an administrative activity to the academic counsellor and contacts the counsellor before starting with the administrative activity, if the study delay due to the performance of this administrative activity is expected to be nine months or more.
2. An application for acknowledgement of study delay is submitted by or on behalf of the student before 1 October if the administrative activity begins in the period from 1 September to 31 March, or before 1 April if the administrative activity begins in the period from 1 April to 31 August. The application for acknowledgement is also valid as a request for payment of financial assistance.
3. The Executive Board may lay down further requirements regarding the application, such as the submission of a declaration by the academic counsellor, and may also stipulate that the application must be submitted using the appropriate forms.
4. A student who receives a supplementary grant during the period of study delay within the meaning of the Student Finance Act 2000, may, in addition to the financial assistance, apply for the supplementary grant amount to which he or she is entitled, on submission of the supporting documents relating to this supplementary grant amount.

#### **ARTICLE 26 CONDITIONS FOR ACKNOWLEDGEMENT OF STUDY DELAY DUE TO AN ADMINISTRATIVE ACTIVITY**

1. The administrative activity for which the application for acknowledgement of study delay is submitted must be one that is recognised by the Executive Board and included in the application, within the meaning of Articles 11 and 17, for the allocation of financial assistance.
2. A study delay due to the performance of an administrative activity in the first year of the Bachelor's degree programme is not acknowledged.
3. The credits referred to in this Article relate to the degree programme in which the student is enrolled at the start of the administrative activity.
4. In order to perform an administrative activity starting from the second year of the Bachelor's degree programme and

depending on when the administrative activity begins, the student is required to have obtained a minimum number of credits by the reference date of 1 September or 1 April of that academic year according to the schedule below, where partial results are not taken into account:

	Start of the administrative activity in the period from 1 September to 31 March, with 1 September as reference date	Start of the administrative activity in the period from 1 April to 31 August, with 1 April as reference date
2nd year of Bachelor's degree programme	60 ECTS	80 ECTS
3rd year of Bachelor's degree programme	90 ECTS	110 ECTS
4th year of Bachelor's degree programme	135 ECTS	155 ECTS

5. In order to perform an administrative activity in the fifth year of the degree programme, the student should have successfully completed the Bachelor's degree programme.
6. The requirements referred to in paragraphs 4 and 5 do not apply to the membership of the Central Student Council, Faculty Student Council or Board of Studies.
7. Allocation of financial assistance following an acknowledgement of study delay due to performance of an administrative activity is limited to a maximum of 10 months of financial assistance, with the understanding that this is limited to a maximum of 12 months of financial assistance for a full-time administrative activity and, for an acknowledgement in the second academic year, this is limited to a maximum of 4 months of financial assistance.
8. Over the entire period of enrolment in a degree programme at TU Delft, the student receives a maximum of 12 months of financial assistance. As an exception, if at least 10 administrative months have been allocated for the performance of a single administrative activity, the student may receive another 6 committee months in addition to these administrative months, if the student performs (or has performed) other administrative activities in addition to the above administrative activity.

#### **ARTICLE 27 PAYMENT OF FINANCIAL ASSISTANCE**

1. The financial assistance is paid out at the end of the academic year in which the administrative activities have been performed.
2. At the time of payment, the student must be enrolled in a degree programme at TU Delft. If the student terminates his or her enrolment during the period of payment, the entitlement to the (remaining) financial assistance lapses.
3. The financial assistance is paid in monthly instalments, but the payment for a committee month is made as a lump sum.

#### **IV SLOTBEPALINGEN**

#### **ARTICLE 28 HARDSHIP CLAUSE**

If, in an individual case, the implementation of this Scheme should lead to an exceptional case of extreme unfairness, the Executive Board may deviate from this Scheme in favour of the student.

#### **ARTICLE 29 TRANSITIONAL PROVISIONS**

Applications relating to academic years 2017-2018 or earlier are subject to the TU Delft Graduation Support Scheme.

#### **ARTICLE 30 WITHDRAWAL OF THE TU DELFT GRADUATION SUPPORT SCHEME**

The TU Delft Graduation Support Scheme shall be withdrawn as of 1 September 2018, with the exception of the Appendix on the procedure for determining the allocation of guarantee months for administrative activities, which shall be withdrawn as of 1 September 2017.

## **ARTICLE 31 ENTRY INTO EFFECT**

This Scheme enters into effect on 1 September 2018, with the exception of Chapter III, paragraphs 1 and 2, which enter into effect as of 1 September 2017, insofar as these applications relate to academic years 2018-2019 and beyond.

## **ARTICLE 32 CITATION**

This Scheme is cited as the 'TU Delft Profiling Fund Scheme'.

This Scheme shall also be published on the TU Delft website.

This Scheme and its publication on the website shall be reported in 'TU News', TU Delft's digital newsletter.

Thus agreed in the meeting of 31 March 2017.

Professor T.H.J.J. van der Hagen

President

## **EXPLANATION**

### **GENERAL**

### **INTRODUCTION**

Article 7.51 of the WHW stipulates that the university administration of a university or university of applied sciences must make arrangements for providing financial assistance to students who have or are expected to face a delay in the progress of their studies due to exceptional circumstances.

Pursuant to Article 7.51 of the WHW, financial assistance is, in essence, granted in the following exceptional circumstances:

- a) serving in an administrative position,
- b) administrative or social activities,
- c) illness or pregnancy and childbirth,
- d) a disability or chronic illness,
- e) exceptional family circumstances,
- f) an insufficiently feasible degree programme due to specific programme-related factors,
- g) other circumstances recognised as being exceptional,
- h) circumstances other than the aforementioned which, if an application for financial assistance is not accepted by the university administration, would give rise to an exceptional case of extreme unfairness.

The exceptional circumstances referred to under a) and b) are foreseen circumstances, i.e. the performance of an administrative activity such as holding an administrative position or participating in a project. The exceptional circumstances referred to under c) to f) cannot, generally speaking, be attributed to the student and may be regarded as circumstances beyond the student's control. The exceptional circumstances referred to under g) should be regarded as a residual category. Part h) is included as a hardship clause which enables the student to obtain an allocation of financial assistance based on exceptional circumstances other than those referred to in this Article.

Article 7.51h of the WHW provides that the university administration must establish procedural rules regarding the start, duration and amount of financial assistance. TU Delft has implemented Article 7.51 of the WHW by adopting the TU Delft Profiling Fund Scheme. This Scheme has come about after extensive consultation with the Student Council and it involves

a comprehensive review of the previous schemes (Rfos, RAS). This review was prompted by various reasons, including the desire to create a future-proof scheme that is in line with the current system of student grants and loans, and one which contributes to greater predictability and stability of the allocations made under the Profiling Fund. In addition, there was a desire to better manage the implementation of the Scheme and the associated costs, with respect to both foreseen and unforeseen circumstances. It was also important that the Profiling Fund should create more opportunities for diversity. Finally, there was a desire to simplify the Scheme.

Both national and international students who meet the place-of-residence principle may apply on the basis of this Scheme. However, a student who has been enrolled for more than five years in a degree programme at TU Delft is not entitled to financial assistance. This is explained in detail below.

#### *Structure and layout of the Scheme*

The Scheme has a clear and well-organised structure. Chapter I contains the general section including the definitions of terms used, followed by a description of the scope in the subsequent article, as well as the general conditions for acknowledgement of study delay. Since the Executive Board takes decisions after taking into account the advice of the committee set up for this purpose, i.e. the CCFO, this committee has been referred to in Chapter I. The Executive Board may lay down certain guidelines for the CCFO in relation to its advisory task.

In the next two chapters, the acknowledgement and payment of financial assistance for study delays caused by unforeseen and foreseen exceptional circumstances are regulated separately. This contributes to the clarity of the Scheme.

Chapter II regulates the acknowledgement and payment of financial assistance for (imminent) study delay caused by circumstances beyond the student's control, i.e. unforeseen exceptional circumstances. The student must report any (imminent) circumstances that are beyond his or her control to the academic counsellor in a timely manner. This allows the academic counsellor to approach the student in time, in order to make the necessary agreements related to study progress and discuss the possibilities (or otherwise) of submitting an application for study delay acknowledgement. The application for study delay acknowledgement must also be submitted in time. A late report or late submission of the application for acknowledgement of study delay will have repercussions for the requested financial assistance. A student may also authorise another person to make the report or application on his or her behalf, if he or she is unable to do this directly owing to circumstances.

Chapter III regulates the recognition of associations and organisations and financial assistance for the performance of administrative activities. A student may only request financial assistance if there is a question of study delay due to the performance of administrative activities recognised by the Executive Board. These activities must be performed within a recognised student association or organisation. For the sake of clarity, the activities are divided by type of activity into six so-called 'boxes'. The total financial assistance for administrative activities is subject to a maximum budget. This chapter is divided into three paragraphs. Paragraph 1 regulates the conditions for recognition. Paragraph 2 regulates the way in which administrative months and committee months are distributed. Subsequently, paragraph 3 includes rules related to the individual acknowledgement of study delay and the student's request for payment.

It has been decided to follow a multi-year recognition cycle. The Executive Board's recognition of an association or organisation is valid - with the exception of Box 5 - for a period of three academic years or, in case of an interim recognition, for a part thereof. Within this cycle, the method of and criteria for distributing the administrative months and committee months among the recognised associations and organisations are also defined. This ensures predictability and continuity. However, the outcome of this distribution, i.e. the number of administrative or committee months available for each association or



organisation, is determined each year.

The amount of an administrative month or a committee month is variable and depends on the number of administrative or committee months available for distribution. This amount is determined annually by the Executive Board, and is subject to an upper and lower limit.

Chapter IV contains the final provisions, such as a hardship and a transitional provision.

### *Payment*

A deliberate distinction has been made between circumstances beyond the student's control (unforeseen circumstances) and administrative activities (foreseen circumstances) and this is explicitly expressed within the Scheme. The reason for this is that financial assistance for administrative activities is understood by TU Delft to be a form of compensation, where the size of the amount to be allocated is determined annually and where, in contrast to the financial assistance for circumstances beyond the student's control, the duration of the interruption is established prior to the performance of the administrative activity. Moreover, this distinction warrants a different approach, in the sense that an earlier payment time is justified for a study delay due to administrative activities. As evident from the legislative history, it is self-evident that the time of payment should be linked to actual activities (House of Representatives 2008-2009, 31 821, no. 3, pg. 17).

As previously explained, study delay in the case of circumstances beyond the student's control has a different basis. Hence, in the case of circumstances beyond the student's control, it seems more reasonable to retain the basis of the payment as the end of the period on which the study load is based.

## **ARTICLE BY ARTICLE**

### **HOOFDSTUK I**

#### **ARTICLE 1**

The definitions included in the Scheme are limited to a minimum and have only been included insofar as necessary.

#### **ARTICLE 2**

This Article, which forms the core of the Scheme, states that the Executive Board grants financial assistance, if and insofar as a basis for this can be found in Article 7.51 of the WHW. The reference to paragraph 2 of that Article is included in order to indicate that the exceptional circumstances reported by the student must be based on Article 7.51 of the WHW. Hence, the allocation of financial assistance outside the scope of Article 7.51 of the WHW lacks a legal basis, apart from the fact that such an allocation is inconsistent with the (strict) funding rules applicable to a university.

The categories 'top athletes' and 'vertical higher professional education continuing students' deserve extra attention in this context. The first category involves students who engage in sporting activities at such a high level that their sporting performance is regarded as top-level sport based on the standards of the Olympic Support Centre (Olympisch Steunpunt). Although Article 7.51 of the WHW does not mention this category, it is plausible that rejection of an application for financial assistance on the basis of top-level sport would lead to an exceptional case of extreme unfairness within the meaning of Article 7.51, paragraph 2, opening lines and (h), of the WHW. In that sense, accepting an application submitted in this manner deserves consideration. In any case, an application must include a declaration from the Olympic Support Centre stating that the sporting activity engaged in by the student is regarded as top-level sport. In view of the expected, significant impact on study progress, consulting the academic counsellor in advance in this matter is highly desirable.

### **ARTICLE 3**

This Article lists the general conditions for acknowledgement of study delay.

With respect to the condition referred to in b), the decisive element is whether the exceptional circumstance occurs or has occurred during the period in which the student is or was entitled to the performance-related grant for higher education. This condition for financial assistance is included in Article 7.51c of the WHW. Since an international student is not entitled to any student grants and loans, the period applicable to such students in the Scheme is the first five years of enrolment in a full-time degree programme at TU Delft.

Before the Student Loans Act (*Wet Studievoorschot*) came into force, the WHW was based on the period in which the student is or was entitled to the 'performance-related grant' for the relevant degree programme, instead of the 'performance-related grant for higher education'. This referred to the period of the interest-bearing loan which could be converted into a gift at the time of obtaining the degree which, in other words, implied a period of five years in the case of a degree programme at TU Delft. When the Student Loans Act came into force, the amendment of 'performance-related grant' to 'performance-related grant for higher education' in Article 7.51c of the WHW was intended by the legislator solely as a technical (and therefore not substantive) amendment. Hence, when interpreting this Article, the basis should be the period of five years, with the understanding that the student is or was entitled to the performance-related grant for higher education for the degree programme in question.

The condition stipulating that the circumstances leading to the study delay should have occurred during the aforementioned period must be strictly applied. Hence, an acknowledgement of study delay outside this period is not possible, under any circumstances.

The category 'vertical higher professional education continuing students' involves a different problem. This concerns students who started a degree programme at TU Delft after completing a higher professional education programme and who have subsequently experienced a delay in the progress of their studies due to exceptional circumstances. As a rule, these exceptional circumstances should have occurred after the period in which the student is or was entitled to the performance-related grant for higher education, such that it is not possible to acknowledge the study delay in question on the basis of Article 7.51 of the WHW. In view of the mandatory nature of the relevant legal provision, it is not possible to make an exception for this category, especially not since accepting such an application would undoubtedly be in contradiction to the funding rules applicable at TU Delft. Neither can an invocation of the hardship clause of the Scheme be honoured in this respect.

Part d) regulates the situation involving a student who follows multiple degree programmes, whether or not at the same university or university of applied sciences, and who then applies for financial assistance. In this case, financial assistance for a second degree programme is possible only if no financial assistance has been received at the university or university of applied sciences where the student was first enrolled.

### **ARTICLE 4**

At TU Delft, the CCFO has the task of advising the Executive Board with regard to the applications referred to in this Scheme. The Executive Board may lay down guidelines for the advisory task of the CCFO.

In practice, the CCFO is assisted by a few staff members who are involved in the practical implementation of the Scheme, e.g. a student counsellor or lawyer. However, it is also possible for staff members from other disciplines to assist the CCFO. In the current practice, the Central Student Administration serves as the secretariat for the CCFO.

## **CHAPTER II**

### **ARTICLE 5**

This Article explicitly states that if there is another existing facility available, the student must first make use of this. This will usually involve situations in which the study delay is caused by a disability or chronic illness. The Profiling Fund Scheme may be used to complement an existing facility up to the total amount of the financial assistance.

### **ARTICLE 6**

This Article sets out the detailed conditions for acknowledgement of study delay caused by circumstances beyond the student's control. Paragraph 1 provides that the student or an authorised agent or representative acting on behalf of the student must report circumstances beyond the student's control to the academic counsellor and discuss this with the counsellor. Moreover, in the case of a long-term study delay, the possibility of terminating the enrolment should be discussed with the academic counsellor. In practice, an expected study delay of about six months provides a basis for examining the possibility of terminating the enrolment. Hence, a long-term study delay applies if there is a delay of about six months. However, it cannot be excluded that the circumstances of a specific case may imply that a different period needs to be taken into consideration. This may include, for example, a chronic illness or an exceptional incident which has not yet been adequately processed by the student.

In view of the above, it is also important to note that failure to contact the academic counsellor in time is a circumstance that may lead to a negative decision regarding the student's application.

This is because, as evident from the case law of the Appeals Tribunal for Higher Education (CBHO), the student's attitude has prevented a timely consideration of how the adverse impact of exceptional circumstances on his or her study progress might have been limited to the best extent possible. Of course, the above is also true if the student does not think it worthwhile to contact the academic counsellor at an early stage. Pursuant to paragraph 2, an application must be submitted as soon as possible and at the latest within three months. Finally, pursuant to paragraph 3, the duration of the financial assistance is reduced in case of a late reporting or application.

### **ARTICLE 7**

The financial assistance is limited to a maximum period of 12 months. An extension of this period may be requested only in exceptional situations, based on the hardship clause. The Executive Board determines the amount of the financial assistance to be allocated. If the student receives a supplementary grant from the Education Executive Agency (DUO), he or she may request an additional financial compensation in addition to the financial assistance. The student must attach supporting documents to the application demonstrating that a supplementary grant will be received during the period of study delay and the amount of this grant.

### **ARTICLE 8**

This Article regulates the payment of financial assistance. This has also been discussed under the general explanation section. Nominal study duration is understood to mean either the study duration of the Bachelor's degree programme, i.e. 36 months, or the study duration of the Master's degree programme, i.e. 24 months.

## **CHAPTER III**

Chapter III contains provisions relating to the administrative activities. Paragraphs 1 and 2 relate to the collective nature of the applicants: the recognition of associations and organisations or how the funds are allocated among the associations and organisations in the form of months of financial assistance. Paragraph 3 indicates how and under what conditions an individual student may apply for financial assistance for administrative activities.

As indicated under the general explanation section, a three-year recognition cycle applies for associations and organisations, and an annual allocation based on the available budget, broken down by association or organisation, with a subdivision between administrative months and committee months.

## **§ 1 RECOGNITION OF ASSOCIATION OR ORGANISATION**

### **ARTICLE 9**

The general requirements to be met by each association or organisation are extensive in scope, particularly the provisions aimed at emphasising the diversity of administrative activities on offer (parts c. and g.). In addition, they also stress that the association or organisation must protect the good name and reputation of TU Delft and the student community (part e.). If an association or organisation does not meet these requirements in advance, it shall not be recognised. Even after being recognised, the association or organisation must continue to meet the requirements, see Article 13; failure to comply with this obligation may result in a penalty, see Articles 14 and 17, paragraph 5.

The requirement of conducting an annual risk assessment is not applicable to the representative bodies and in addition, the Executive Board may exempt a particular association or organisation from this requirement, e.g. smaller associations or limited activities within an organisation.

Paragraph 3 divides the associations or organisations into six categories or 'boxes', so that further requirements can be imposed per category (Article 11) and a specific system of distributing the months can be applied (see § 2). Previously, there were five categories. The previous box for 'Interests and Other' has been split up into a separate box for representative bodies, since a fixed number of months is allocated to this category and they are not required to meet all the requirements laid down in this Scheme. Box 6 is a separate category 'Other', which offers greater scope than before for new and innovative administrative activities, which may be complementary to the activities offered in the other boxes. In particular, there is increased scope for organisations that focus on the diversity of the participating students and promote the integration of minority groups. This is in line with the aforementioned general requirements for diversity, which are applicable to all applicants.

### **ARTICLE 10**

This Article contains the more detailed requirements per applicant category (association or organisation). The following offers a brief explanation:

According to paragraph 1, student parties that supply candidates for the representative bodies are also granted financial assistance, although only for committee months (see Article 18).

According to paragraphs 2, 3, and 4, financial assistance may also be granted, per association category, to an umbrella organisation in the relevant area.

Paragraph 5 concerns category 5, the earlier box for 'Student Projects'. The name of the box has been changed to include 'Education and Research' in order to distinguish these projects from other projects of a more general nature in Box 6.

According to paragraph 6, the category 'Interests and Other Projects/Activities' (Box 6) includes interest groups that do not fall under Box 1 (e.g. those from the earlier Box 5: Delft Student Union (VSSD), Yes Delft), and activities that do not fit into the other boxes but complement the existing offer, such as the committee that organises the welcoming week (Owee) at TU Delft. It may also include new initiatives aimed at e.g. minority groups or international students.

### **ARTICLE 11**

Recognition is granted for three academic years (see Article 12) and the application hereto must be submitted well in advance, prior to the start of the three-year cycle. The information to be submitted with the application is specified. The Executive Board may request more information in certain cases, but it may reduce the information requirement for specific

associations or organisations, e.g. the Welcoming Week Committee (Owee-commissie) and smaller associations or projects that are just starting up. A statement of the number of members over the last three years is requested, to reduce the effect of fluctuations in the membership and hence, in the number of months to be allocated.

The application for allocation of financial assistance is also submitted at the same time as the application for recognition. The conditions for this are set out in Article 17. If the recognition is granted, only an application for allocation of financial assistance is required to be submitted in next two years.

#### **ARTICLE 12**

An essential point of the new Scheme is the recognition cycle of three academic years. Interim applications are possible, but recognition is granted only for remaining academic years. Only student projects in education and research (Box 5) shall be recognised annually.

#### **ARTICLE 13**

The obligations imposed on recognised associations or organisations are both content-related, i.e. they must continue to meet the previously established requirements, and administrative in nature, i.e. a proper report must be delivered with regard to the activities for which financial assistance is granted. The Executive Board may specify a format for this purpose.

#### **ARTICLE 14**

This Article grants the authority to impose a heavy penalty: suspension or withdrawal of the recognition. The Executive Board attaches great importance to the good name of the University and therefore deems it necessary to have such a penalty in reserve.

If there is question of a minor violation of the rules, such as an imputable failure to comply with the obligations or the performance of fewer activities than previously indicated, the less serious penalty option, as referred to in Article 17, paragraph 5, may be applied, i.e. a reduction in the number of months.

### **§ 2 ALLOCATION OF ADMINISTRATIVE MONTHS AND COMMITTEE MONTHS**

#### **ARTICLE 15**

During the three-year cycle, the annual budget remains the same per academic year for administrative months and committee months. The budget is formed by adding:

- the number of administrative months to be allocated in a year multiplied by the amount determined for that year per administrative month AND
- the number of committee months to be allocated in a year multiplied by the amount determined for that year per committee month.

Since the number of administrative or committee months to be allocated may vary due to the recognition of new associations, organisations or projects, or because of an increase or decrease in the number of members, the monthly amount may also vary accordingly. This ensures that new initiatives can be included in the Scheme, without this having any direct budgetary implications. This has no major implications for existing associations and organisations, in view of the large number of months allocated in each of the boxes and the fact that redistribution of the monthly amount will spread out the amount over all six boxes: the monthly amount will be reduced by a few Euros, if a few more months are allocated as compared to the previous year.

Paragraph 3 specifies a minimum and maximum monthly amount as a safeguard against excessively large fluctuations in the amount per administrative member or committee member. These limits are not expected to be exceeded, considering

the current numbers of administrative months and committee months. Should that be the case, i.e. if the minimum amount is reached due to an (excessively) large increase in the number of months to be allocated, then the budget will be exceeded. In the even-less-conceivable scenario of considerably fewer months being allocated, the maximum amount ensures that no disproportionately large amounts are paid per position (administration or committee).

#### **ARTICLE 16**

Article 16 outlines the general budget system for three years. Based on this, there is an annual distribution of the number of administrative months and committee months, subdivided into six boxes. A decision is taken regarding the recognition no later than 1 March and the distribution is decided no later than 1 April. The administrative month and committee month amounts will be published almost simultaneously, in view of the application for allocation submitted by the associations and organisations and the requirement to reach a decision no later than 1 April.

#### **ARTICLE 17**

Article 17 regulates the application for and granting of recognition for the three-year cycle as well as the initial application for the allocation of months. Pursuant to Article 17, recognition must be annually 'confirmed': the recognised association or organisation must submit an annual application for the actual allocation of months. After all, the number of months may change in the case of new entrants, change in the number of members in existing associations, and also in case of intermediate penalties in the form of a reduction in the number of months to be allocated to an applicant (paragraph 5). The necessary information must be submitted; as in the case of Article 11, this obligation may be mitigated for smaller associations or projects, or e.g. the Welcoming Week Committee. For anniversary year activities, committee months may be reserved on request and claimed in the next anniversary year. This implies that an expiry period applies to this reservation.

#### **ARTICLES 18-23**

Each Article indicates the allocation to applicants by category (box). Compared to the previous scheme, the number of full-timers (12 months of financial assistance) has been capped per applicant. The following is a brief explanation for each box:

1. For representative bodies, a fixed number of months is allocated per incumbent. Only committee months are allocated to parties active within the Central Student Council.
2. For study associations, the allocation is determined based on the number of members in each graduated scale. The number of members is determined based on an average number of members over three academic years. In addition, months are also allocated to the umbrella organisation (Council of Study Associations, SVR).
3. For social clubs, the allocation is also determined based on the number of members in each graduated scale. Here too, the number of members is determined based on an average number of members over three academic years. In addition, months are allocated to the umbrella organisation (Council of Student Associations (VeRa)). There is no longer question of a 'fixed rate' for having an association building or cafeteria. However, this is almost entirely compensated for by the initial and further levels of the graduated scale. Allocation based on buildings, cafeterias or turnover is not considered justified in all cases and is more difficult to enforce than just the criterion of the number of members.
4. Sports and cultural associations are subject to a different regime: as far as possible, the existing system of distribution within the Sports and Culture Centre with assistance from the Delft Students' Sports Foundation (SSD) has been retained. Months are also allocated to the umbrella sporting organisation SSD.
5. The system of allocation to student projects remains unchanged. The Executive Board has wide discretionary powers in determining the allocation per project and will take the advice of the Steering Committee D:DREAM for this, since it has a good overview of the current projects.
6. In case of Box 6 'Other', the Executive Board also has wide discretionary powers in determining the allocation per association, project or organisation. The maximum number of full-time administrators per applicant may also be specified by the Executive Board. This ensures that there is room for both existing interests and activities as well as for new associations/initiatives aimed at e.g. minority groups or international students.

## **ARTICLE 24**

This Article concerns the publication, via the website, of the names of the recognised associations or organisations and the administrative or committee months allocated to them. This was previously referred to as the 'Guarantee Month List'.

## **§ 2 INDIVIDUAL APPLICATION**

### **ARTICLE 25**

This Article describes the procedure to be followed for reporting the study delay and for submitting an application for study delay acknowledgement. The deadline for this procedure depends on the period in which the student starts performing the administrative activity.

### **ARTICLE 26**

Performing an administrative activity is of great importance for the future career of the student and is therefore encouraged by TU Delft as much as possible. Nevertheless, an administrative position should never be accepted too lightly. The credit requirement and the recognition of the administrative activities in a certain academic year are a minimum guarantee for ensuring that some study progress is achieved. The performance of administrative activities in the first academic year is not recognised.

According to paragraph 3, the credits required under this Article must be obtained from the current degree programme. Credits that have been earned in an earlier or a different degree programme (within or outside TU Delft) are not recognised.

The table provided in the paragraph 4 indicates the minimum credits to be obtained for being entitled to recognition based on this Scheme. The period in which the administrative activities start determines the reference date (1 September or 1 April of that academic year) and the corresponding credit requirement.

The condition for being considered eligible for recognition, as becomes evident from paragraph 5, is the successful completion of the Bachelor's degree programme in the fifth academic year, which may be e.g. the second year of the Master's degree programme or the first year of the Master's degree programme if the student takes four years to complete the Bachelor's degree programme.

It stands to reason that, if there was an acknowledged study delay earlier for the same degree programme, this must be also taken into account when reaching the decision about the application.

In accordance with paragraph 7, a student may receive a maximum of 10 months of financial assistance (administrative or committee months) in order to perform an administrative activity, where the financial assistance in the second academic year is limited to a maximum of 4 months. An exception will be made for a student performing a full-time administrative activity, where this student may receive a maximum of 12 months of financial assistance from the third academic year onwards. In total, throughout the period of enrolment, a student can never receive more than 12 months of financial assistance. An exception will be made for a student who has performed a single administrative activity for which at least 10 administrative months have been allocated; this student may, in addition to these administrative months, also receive a maximum of six committee months, if he or she performs (or has performed) other administrative activities.

### **ARTIKEL 27**

Dit artikel regelt het tijdstip van uitbetaling van financiële ondersteuning. Het artikel komt erop neer dat uitbetaling van financiële ondersteuning ten gevolge van vertraging door een bestuurlijke activiteit na afloop van een studiejaar kan

geschieden in maandelijkse termijnen. De student dient ten tijde van de uitbetaling ingeschreven te staan. In de algemene toelichting is hierop reeds ingegaan.

Uit de uitvoeringspraktijk is bekend dat de toekenning van financiële ondersteuning in de vorm van maandelijkse termijnen tot een aanzienlijke administratieve last leidt. Om die reden is ervoor gekozen te bepalen dat commissiemaanden, die in de regel betrekking hebben op een geringe toekenning, in een bedrag ineens kunnen worden uitbetaald. De verplichting blijft bestaan dat de student ten tijde van de uitbetaling ingeschreven staat voor een opleiding aan de TU Delft.

## **CHAPTER IV**

### **ARTICLE 28**

The Scheme is a generally binding regulation based on Article 7.51 of the WHW. Needless to say, the Executive Board is obliged to comply with and observe the provisions of the Scheme. From this perspective, it would no longer be possible to deviate from the Scheme even if the application thereof should lead to a disproportionate level of hardship or, as the Scheme indicates, an exceptional case of extreme unfairness. For such cases, the hardship clause provides an option of deviating from the content of the Scheme while still arriving at a fair solution.

The text and scope of the Article indicate that invocation of the hardship clause is only required to be honoured in very specific cases.

Otherwise, the hardship clause does not allow deviations from legal provisions of an imperative nature, such as those included in the WHW and the Student Finance Act 2000 (WSF 2000). The Executive Board must comply with these provisions without prejudice and therefore offers no scope for deciding otherwise (see e.g. CHBO 28 May 2004, no. CBHO 2003/067) in this matter.

With respect to the above, it should be noted that Article 7.51, paragraph 2, opening lines and (h) of the WHW also include a hardship clause. This hardship clause offers the possibility of obtaining an allocation of financial assistance by claiming exceptional circumstances other than those referred to in Article 7.51 of the WHW.

### **ARTICLE 29**

Article 29 governs the transitional provisions and provides that applications relating to academic years 2017-2018 or earlier fall under the TU Delft Graduation Support Scheme.

### **ARTICLE 30**

This Article regulates the withdrawal of the TU Delft Graduation Support Scheme. The Appendix dealing with recognition and distribution will be withdrawn one academic year earlier. This is because these applications relate to a subsequent academic year.

### **ARTICLE 31**

This Article specifies the date on which this Scheme actually enters into effect. Since the applications in academic year 2017-2018 relate to academic year 2018-2019, the Scheme enters into effect on two different dates.

### **ARTICLE 32**

This Article specifies the way in which this Scheme is to be cited elsewhere.



# Annex 3

## Student Council Regulations

### SECTION 1 GENERAL PROVISIONS

#### ARTICLE 1.1 DEFINITIONS

Terms used in these regulations shall be understood as follows:

the Act, the WHW:	the Higher Education and Research Act (Wet op het hoger onderwijs en wetenschappelijk onderzoek);
the university:	Delft University of Technology;
the Supervisory Board:	the Supervisory Board of the university as referred to in Article 9.8 of the WHW;
the Executive Board:	the Executive Board of the university, as referred to in Article 9.2 of the WHW;
student:	a person enrolled as a student at the university;
consultative meeting:	meetings at which the student council holds joint consultations with the Executive Board;
strategic plan:	the plan describing the content and specifications of proposed policy as meant in Article 2.2 of the WHW;
Disputes committee:	the disputes committee as meant in Article 9.39 of the WHW.
Student Council:	the body set up at institutional level, based on the student representation regulations referred to in Article 9.30 paragraph three, second sentence of the WHW;
Student Council at faculty level:	the body set up at faculty level, based on the student representation regulations referred to in Article 9.30 paragraph three, second sentence of the WHW (see Section 7 of these regulations).

#### ARTICLE 1.2

Where they also occur in the Act, all other terms occurring in these regulations are to be interpreted as intended in the Act.

### SECTION 2 COMPOSITION AND TERM OF OFFICE

#### ARTICLE 2.1 COMPOSITION

1. The Student Council shall consist of ten members elected from and by the student population.
2. The Student Council shall elect a chairman and one or more deputy chairmen either from its members or elsewhere.
3. The chairman, or in his or her absence, a deputy chairman, shall represent the Student Council both judicially and extrajudicially.

#### ARTICLE 2.2 TERM OF OFFICE

1. The term of office of the members of the Student Council shall commence on 1 September of the year in which the election has taken place.
2. The members of the Student Council are elected for a period of one year.

## **SECTION 3 ELECTIONS**

### **ARTICLE 3.1 ORGANISATION**

The method and organisation of the members of the Student Council are governed by the electoral regulations attached to these regulations.

### **ARTICLE 3.2 ELIGIBILITY TO VOTE**

Persons who are enrolled as a student at the university on the first day of the month prior to the date of the completion of the electoral register are eligible to vote and be elected.

## **SECTION 4 GENERAL JURISDICTION**

### **ARTICLE 4.1 GENERAL JURISDICTION (9.32.3 AND 4 OF THE WHW)**

3. As far as it is able the Student Council shall promote openness, transparency and mutual consultation within the university.
4. Moreover, it is the task of the Student Council at the university generally to guard against discrimination on any grounds and in particular to promote equal treatment of men and women as well as the inclusion of people with disabilities and people from ethnic minorities.

### **ARTICLE 4.2 RIGHT OF INITIATIVE (9.32.2 OF THE WHW)**

5. The Student Council is authorised to make proposals and make its views known to the Executive Board on all matters concerning the university. The Executive Board shall provide a written reasoned response to said proposals within three months, in the form of a proposal.
6. Before the Executive Board responds, it shall provide the Student Council with at least one opportunity to consult with the board on its proposal.

### **ARTICLE 4.3 CONSULTATIVE MEETING OF THE STUDENT COUNCIL WITH THE EXECUTIVE BOARD (9.32.1 OF THE WHW)**

7. The Executive Board shall provide the Student Council with the opportunity to discuss general university affairs with the Executive Board at least twice a year.
2. In this context, the Executive Board shall make known decisions it has taken in the previous six months in relation to the matters referred to in Article 5.1 of these regulations. The Board shall also make known decisions that it is preparing for the next twelve months in relation to the matters referred to in Article 5.1 of these regulations. For each subject, the Board shall agree when and how the Student Council will be involved in the preparation of these matters.
3. The Executive Board and the Student Council shall meet within a reasonable period if either the Executive Board or Student Council makes a reasoned request to that effect.
4. In the consultative meeting, those university matters shall be discussed that either the Executive Board or the Student Council consider desirable, or for which consultation between the Executive Board and the Student Council is required according to the Act or these regulations.
5. The consultative meeting shall be conducted for the Executive Board by one of its members, who will chair the meeting.
6. The agenda of the consultative meeting shall contain items submitted to the Student Council secretary by the Executive Board or Student Council.
7. A consultative meeting shall be adjourned if the Executive Board or Student Council regards it as desirable to consider a particular matter in private.
8. A report of each meeting shall be made by the secretary of the Student Council or by a person appointed jointly by the Executive Board and Student Council.

9. The Executive Board shall ensure that agendas and reports of the consultative meetings are sent to the Dean of the faculty and are available to interested parties for consultation at generally accessible places within the university.

#### **ARTICLE 4.4 PUBLIC NATURE OF THE CONSULTATIVE MEETING (9.32.6 OF THE WHW)**

8. Consultative meetings shall be open to the public, unless the Executive Board or Student Council considers this to be undesirable due to the nature of the matter to be discussed. A decision to hold a closed meeting must be well founded.
2. Those present during a consultative meeting that is held either wholly or partly in closed session shall have a duty of confidentiality regarding its substance, as stipulated in Article 6.5.
3. If the personal interests of any member of the Student Council are at issue during any part of a consultative meeting, the Student Council may decide that the member concerned shall not participate in the meeting or that part of the meeting. The Student Council shall then decide that the issue concerned should be considered during a closed meeting, or closed part of a meeting.
4. Where a consultative meeting is held in closed session either wholly or in part, a confidential report shall be made for that meeting or the closed part of the meeting.

#### **ARTICLE 4.5 HOUSE RULES (9.31.7 OF THE WHW)**

The Student Council shall determine its mode of operation, procedure for meetings, and house rules, in accordance with the Act and these regulations. At the very least, the house rules shall regulate the form of Student Council meetings, the drawing up of agendas, the voting procedure, the decision-making process and the compilation of reports.

#### **ARTICLE 4.6 ESTABLISHMENT OF COMMITTEES**

9. The Student Council may establish permanent and temporary support committees from among its members.
10. The house rules shall regulate the composition, responsibilities and operational procedure of the committee(s).

### **SECTION 5 SPECIAL JURISDICTION**

#### **ARTICLE 5.1 SPECIAL AREAS OF STUDENT REPRESENTATION**

11. Right of approval (9.33 and 9.34.2 of the WHW)

The Executive Board requires the approval of the Student Council on all relevant decisions concerning:

- a. the student charter, as referred to in Article 7.59 of the WHW;
- b. rules in relation to health, safety and welfare;
- c. the choice of representation systems, as referred to in Art. 9.30, para. 1 of the WHW;
- d. the regulations as referred to in Article 7.51 paragraph 4 of the WHW.

The Executive Board requires the approval of two thirds of the total number of members of the Student Council on its proposal for the regulations governing the Student Council and any amendment to them.

2. Advisory powers (9.34.3b of the WHW)

The Executive Board shall seek the Student Council's advice on all relevant decisions concerning:

- e. the budget, which should include the level of the institutional tuition fees, among other things;
- f. matters concerning the continued existence of and proper procedure at the university;
- g. the code of conduct for the use of foreign languages;
- h. the binding recommendation on the continuation of studies;
- i. the maximum number of admissions (numerus clausus);
- j. the regulations governing the Examination Appeals Board;
- k. student facilities (including housing).
- l. TU Delft policy regarding academic staff, where this directly affects education.

- m policy regarding institutional tuition fees
- n. regulations on refunds of statutory tuition fees

#### **ARTICLE 5.2 PROCEDURE FOR RIGHT OF APPROVAL (9.34.3G OF THE WHW)**

12. The Executive Board shall submit reasoned written proposals to the Student Council at a time such that they may be discussed in the Student Council meeting prior to the consultative meeting.
13. The Student Council shall not make decisions before the matters concerned have been discussed at least once in a consultative meeting. After discussion in the meeting the Student Council shall make known its decision on whether to grant or withhold approval on a proposed decision, if at all possible during the same consultative meeting. If the Student Council indicates that it is not able to do so, it shall make its decision known in writing to the Executive Board within ten working days of the consultative meeting.
14. If the Student Council has not made its decision known within the appointed term, the proposed decision will be regarded as having received the Student Council's approval.

#### **ARTICLE 5.3 DISPUTES ON RIGHT OF APPROVAL (9.34.3G, 9.41 AND 9.40 OF THE WHW)**

1. If a proposal of the Executive Board does not receive the required approval of the Student Council, the Executive Board shall inform the Student Council within three months as to whether the proposal is to be withdrawn or sustained. If the joint meeting is not informed within three months, the proposal shall cease to be valid.
2. If the Executive Board wishes to implement the decision, this shall be regarded as a dispute in the sense of Article 9.40 paragraph 1 letter a of the WHW.

The Executive Board shall report the dispute to the Supervisory Board. The Supervisory Board shall investigate whether or not an amicable settlement is possible. If such a settlement does not appear possible, the Executive Board will submit the dispute to the Arbitration Committee. If the Student Council is of the opinion that the Executive Board should have presented a decision to the Student Council for approval, the Student Council shall bring this to the notice of the Executive Board, stating its reasons. The Executive Board shall consult with the Student Council. If after this consultation the Executive Board still does not present the decision to the Student Council for approval and the council decides to stand by its view, it shall bring this to the notice of the Executive Board. The matter shall then be regarded as a dispute for which the procedure detailed in the second paragraph of this article should be followed.

#### **ARTICLE 5.4 PROCEDURE FOR ADVISORY POWERS (9.35, 9.34.3G OF THE WHW)**

1. The Executive Board shall present any reasoned written proposals for which the advice of the Student Council must first be sought to the council at such a time that:
  - a. it can be of real influence on the decision-making process;
  - b. if the Student Council wishes to consult with the Executive Board before making its recommendation, it is able to discuss the proposal in the Student Council meeting prior to the consultative meeting.
2. The Executive Board shall inform the Student Council as soon as possible in writing of the way in which a recommendation is to be acted upon.
3. If the Executive Board wishes totally or partially to reject the Student Council's recommendation, it will provide the council with the opportunity to consult with the board before making a final decision. This invitation shall be accompanied by a written explanation of the board's reasons.
4. The Student Council shall inform the Executive Board whether after reconsideration the council still adheres to its original recommendation, if at all possible during the consultative meeting as referred to in the third paragraph, and no later than ten days after the meeting. The recommendation shall be made in writing.

#### **ARTICLE 5.5 DISPUTES ON ADVISORY POWERS (9.43, 9.40 OF THE WHW)**

15. If the Student Council stands by its original recommendation, the Executive Board shall defer the implementation of the decision by four weeks, unless the Student Council has no objection to immediate implementation.

16. If the Student Council is of the opinion that the total or partial rejection of its recommendation seriously harms the interests of the university or Student Council, the council shall report the dispute to the Supervisory Board.

The Supervisory Board shall investigate whether or not an amicable settlement is possible. If this is not possible, the Student Council shall put the dispute before the Arbitration Committee no later than four weeks after the Executive Board has made the decision concerned. In doing so the Student Council shall also submit the arguments in favour of its recommendation, and for its opinion that the total or partial rejection of its recommendation would seriously harm the interests of the university or Student Council.

#### **ARTICLE 5.6 ARBITRATION COMMITTEE (9.39 AND 9.40 OF THE WHW)**

Disputes as referred to in Section 9, heading 2, paragraph 3 of the WHW shall be presented to the Arbitration Committee as referred to in Article 9.39 of the WHW. The dispute shall be handled according to Article 9.40 of the WHW.

### **SECTION 6 OTHER RIGHTS AND OBLIGATIONS**

#### **ARTICLE 6.1 OBLIGATION TO PROVIDE INFORMATION (9.32.5 OF THE WHW)**

1. The Executive Board shall provide the Student Council with all the information it reasonably requires to carry out its duties in good time, whether or not such information has been requested. This shall in any case include information provided at least once a year on the content of the regulations in relation to employment terms and conditions, and agreements with each group of people working at the university, the members of the Executive Board and the Supervisory Board.
2. The Executive Board shall provide information referred to in the first paragraph in writing unless otherwise agreed.
3. The Executive Board shall provide the information as soon as possible but no later than three weeks after receiving a written request from the Student Council. The Executive Board may exceed this term only in exceptional circumstances and to do so it must inform the Student Council stating its reasons.
4. Without prejudice to the provisions of the first paragraph, the Student Council shall promptly inform the Executive Board of the council's desire to receive additional information either during or prior to a meeting.
5. At the beginning of the academic year, the Executive Board shall provide the Student Council with basic information on the composition of the Executive Board, Supervisory Board, the organisation of the university, and key points of policy that has already been made.
6. The Executive Board shall inform the Student Council at least once a year in writing of the policy it has implemented in the preceding year and its policy intentions for the following year regarding the university in the fields of finance, organisation and education.

#### **ARTICLE 6.2 REPORT OF STUDENT COUNCIL ACTIVITIES (9.32.7 OF THE WHW)**

1. The Student Council shall make an annual report of its activities and ensure that it is brought to the attention of all persons concerned with the university.
2. It is the responsibility of the Student Council to send the agendas and reports of Student Council meetings to the Executive Board and Faculty Student Councils, and make them available for consultation by interested parties at generally accessible places at the university.

#### **ARTICLE 6.3 LEGAL PROTECTION (9.32.8 OF THE WHW)**

The Executive Board shall ensure that the position in relation to the university of Student Council members, including candidates and former members, is not prejudiced as a result of their membership of the council.

#### **ARTICLE 6.4 FACILITIES (9.48 OF THE WHW)**

1. The Executive Board shall provide the Student Council and its individual members with the opportunity to properly perform the tasks as referred to in the Act.
2. The Executive Board will make at least the following facilities available to the Student Council:
  - c. financial allowance according to the TU Delft graduation regulations as well as a reimbursement of expenses to be set by the Executive Board.
  - d. training;
  - e. administrative support and meeting rooms;
  - f. a Student Council budget.

#### **ARTICLE 6.5 CONFIDENTIALITY**

1. Members of the Student Council are required to maintain confidentiality on all matters they are privy to in their capacity as council members that the Executive Board or Student Council have indicated to be of a confidential nature or of which they should understand to be of a confidential nature.
2. The party imposing the confidentiality requirement shall also inform the Student Council as to which information, supplied either in writing or verbally, is subject to confidentiality and for how long it shall apply, and whether there are persons in respect of whom confidentiality does not have to be maintained. If the reasons for confidentiality no longer apply, the party imposing the confidentiality requirement shall inform the Student Council accordingly.
3. If according to the judgement of the majority of council members, a member of the Student Council is guilty of breaching the confidentiality requirement referred to in the first paragraph of this article, and/or if the Executive Board is of the opinion that a member has not maintained a confidentiality requirement imposed by the Board, the person involved shall receive a warning from the chairperson of the Student Council. If this person is found to have breached confidentiality for a second time, he or she shall be excluded from attending meetings or parts of meetings that are closed and from receiving information that is subject to confidentiality.
4. The obligation to maintain confidentiality shall not cease to apply because the Student Council membership of the person concerned has been discontinued or his or her connections with the university have ended.

#### **ARTICLE 6.6 OTHER RIGHTS AND OBLIGATIONS**

The Executive Board shall inform the Student Council of any intentions to appoint or dismiss the ombudsman, as referred to in the Ombudsman Regulations.

### **SECTION 7 JURISDICTION OF THE FACULTY STUDENT COUNCILS**

#### **GENERAL JURISDICTION**

#### **ARTICLE 7.1 JURISDICTION OF STUDENT COUNCILS (9.38A OF THE WHW)**

1. The Dean shall provide the Student Council with the opportunity to discuss general faculty affairs with him or her at least twice a year. The Dean and the Student Council shall meet at the reasoned request of either the Dean or the council.

##### *Right of initiative*

2. The Student Council is authorised to make proposals and make its views known to the Dean on all matters concerning the faculty. The Dean shall provide a reasoned written response to such proposals within three months, in the form of a proposal. Before the Dean responds, he or she shall provide the Student Council with at least one opportunity to consult with him or her on its proposal.

### *Right to information*

3. At the beginning of the academic year, the Dean shall provide the Student Council with basic information on the organisation of the faculty and key points of policy that has already been made. The Dean shall inform the Student Council at least once a year in writing of the policy he or she has implemented in the preceding year and of policy intentions for the following year regarding the university in the fields of finance, organisation and education. Furthermore, the Dean shall promptly provide the Student Council with all the information it reasonably requires to carry out its duties, whether or not such information has been requested.
4. If the personal interests of a member of the Student Council are at issue during a particular meeting that is closed wholly or in part, the Student Council may decide that the member concerned shall not participate in the meeting or that part of the meeting. The Student Council shall then also decide that the matter concerned will be dealt with in a closed meeting.

### *Report of Student Council activities*

5. The Student Council shall make an annual report of its activities and ensure that it is brought to the notice of all persons concerned with the faculty. It is the responsibility of the Student Council to send the agendas and reports of Student Council meetings to the Dean, and make them available for consultation by interested parties at generally accessible places at the faculty.

## **SPECIFIC JURISDICTION**

### **ARTICLE 7.2 RIGHT OF APPROVAL BY THE STUDENT COUNCIL (9.38 WHW AND 9.37.2 OF THE WHW)**

The Dean requires the approval of the Student Council on all relevant decisions concerning:

- g. faculty regulations, as referred to in Article 9.14 of the Act.
- h. the teaching and examination regulations, as referred to in Article 7.13 of the Act with the exception of the subjects referred to in Article 7.13 paragraph 2 under letters a to g, the designation of a Master's programme that follows on from a Bachelor's programme, the admission requirements for a Master's programme for those not in possession of a pre-connecting Bachelor's programme degree certificate.
- i. the degree programme-related part of the Student Charter.

### **ARTICLE 7.3 OTHER RIGHTS OF APPROVAL AND ADVISORY POWERS (9.37.2 OF THE WHW)**

The Faculty Student Council has the same right of approval and advisory powers in relation to the Dean that the Student Council at institutional level has, provided the matters in question particularly concern the faculty and the appropriate rights have also been granted to the Dean.

### **ARTICLE 7.4 STUDENT COUNCIL ADVISORY POWERS (9.37.2 OF THE WHW)**

The Dean requires the advice of the Student Council on all relevant proposals concerning the budget and matters concerning proper procedure in the faculty.

### **ARTICLE 7.5 HOUSE RULES**

The Student Council shall determine house rules for its meetings. At the very least, the house rules shall regulate the form of Student Council meetings, the drawing up of agendas, the voting procedure, the decision-making process and the compilation of reports.

## **SECTION 8 FINAL AND INTERIM PROVISIONS**

### **ARTICLE 8.1 ADOPTION OF AND AMENDMENTS TO THESE REGULATIONS**

These regulations and any amendments to them shall be presented to the Student Council by the Executive Board, and shall not be enacted by the Executive Board before they have obtained the approval of two-thirds of the total number of Student Council members, having first been discussed and possibly amended by the council.

### **ARTICLE 8.2 UNFORESEEN CIRCUMSTANCES**

In cases relating to subjects governed by these regulations for which the regulations make no provision, or in the case that these regulations lead to multiple interpretations, the Executive Board shall make a proposal to the Student Council to make provision for the case in question; in urgent cases such a proposal may be made verbally in a meeting. The Student Council shall decide on the proposal on the basis of a simple majority; if a quorum is not present, the matter shall be decided based on the opinion of the majority of members present.

### **ARTICLE 8.3 ENTRY INTO FORCE**

These regulations shall come into force one day after they have been ratified by the Executive Board in accordance with Article 8.1 of these regulations.

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Ratified by the Executive Board on 26 May 1998 after approval by the Student Council on 26 May 1998. Amended by the Executive Board on 23 June 1999 after approval by the Student Council on 23 June 1999 and on 22 June 2010, following approval by the Student Council on 10 June 2010.



# Bijlage 3.1

## Election regulations for the Central Student Council, the users' council and the Faculty Student Councils of TU Delft

### I DEFINITION OF TERMS

#### ARTIKEL 1

1. Terms used in these regulations shall be understood as follows:

the law:	the Higher Education and Research Act (Wet op het hoger onderwijs en wetenschappelijk onderzoek);
the university:	Delft University of Technology;
the Executive Board:	the TU Delft Executive Board;
the dean:	the Dean of a faculty at TU Delft;
the Student Council:	the student council at institutional level and the faculty-based student councils;
the Election Committee:	the election committee at institutional level and the faculty-based election committee;
the election committee at institutional level:	the committee as referred to in Article 3 paragraph 1 of these regulations;
the Faculty Election Committee:	the committee as referred to in Article 3 paragraph 3 of these regulations;
polling committee:	the polling committee as referred to in Article 3 paragraph 2, which assists the election committee when elections are held;
polling card:	a letter inviting all persons who are entitled to vote to do so on the day of the election;
computer:	the computer that is used for voting by those who are entitled to do so;

2. Articles 2 and 4 to 16 apply to the elections for the student council at institutional level, and the Faculty Student Councils.

### II PERIOD OF OFFICE OF THE STUDENT COUNCIL

#### ARTICLE 2

1. The period of office of the Student Council shall be one year, beginning on 1 September from the year in which the election takes place.
2. Outgoing members may immediately stand for re-election.
3. Apart from by the expiry of his or her elected term, a member of the Student Council's membership may also be ended by:
  - a. letter of resignation addressed to the chairperson of the Student Council;
  - b. the termination of enrolment as a student on the grounds of the provisions made in article 7.42 of the WHW;
  - c. death.

4. The membership of a member elected to fill a vacancy shall expire at same time that the membership of the person whom he or she has replaced would have expired.

### **III PREPARATION FOR THE ELECTION / ENTITLEMENT TO VOTE AND ELIGIBILITY FOR ELECTION / NOMINATION**

#### **ARTICLE 3**

1. The organisation of the election of the members of the Student Council at institutional level and the Faculty Student Councils is the responsibility of the Executive Board.
2. The Executive Board shall assign the task of organising elections both for the Student Council at institutional level to an election committee.  
This committee shall consist of three members and three deputy members. The Executive Board shall provide support to this committee. The election committee may engage the assistance of one or more polling committees, each of which shall consist of at least three persons employed by the university or enrolled as students at the university. Membership of the election committee may not be combined with membership of the Student Council at institutional level.
3. The Dean of each faculty shall assign the task of organising elections for the faculty based student council to an election committee consisting of three members and three deputy members. Membership of this committee may not be combined with membership of the Faculty Student Council.
4. The election committee at institutional level is authorised to issue instructions to the faculty-based election committee in connection with the organisation of the elections. It shall notify the Deans of any such instructions. The faculty-based election committee shall take the instructions into consideration in the exercise of its duties.

#### **ARTICLE 4 ENTITLEMENT TO VOTE AND ELIGIBILITY FOR ELECTION**

Only persons enrolled as a student at the university on the first day of the month preceding the date on which the electoral register is drawn up are entitled to vote and eligible for election.

#### **ARTICLE 5 DATE OF ELECTIONS**

1. The Executive Board shall set the date(s) of elections as well as the times that voting opens and closes, in consultation with the Student Council at institutional level. The Executive Board shall pass this information to the student council at institutional level and the Faculty Student Councils, the Deans and the student organisations, and announce it in Delta, the university's weekly magazine. These announcements must take place at least 12 weeks prior to the date of the election.
2. The election of members of the student council shall take place in the second quarter of the calendar year unless, in exceptional cases and in consultation with the Student Council, the Executive Board decides otherwise.

#### **ARTICLE 6 ELECTORAL REGISTER**

1. No later than seven weeks prior to the date of the election the Executive Board shall draw up a list of persons enrolled as a student who on the date of the election are entitled to vote and eligible for election, and makes this known to the university.
2. The electoral register shall include the name, initials, student number, degree programme(s), place of residence and address of each voter.

#### **ARTICLE 7 NOMINATION OF CANDIDATES**

1. Nomination shall take place by the submission of a list of one or more candidates to the secretary of the election committee. He or she shall issue a signed receipt in the name of the person who has submitted the list.
2. Any candidate seeking nomination for election to a Faculty Student Council must be enrolled as a student at the university on the programme for which he is seeking nomination.

3. The Executive Board determines, after consultation with the Central Student Council, the deadline for submission of the lists of candidates. The Executive Board shall notify the Student Council at institutional level, the Faculty Student Councils and faculty Deans of the deadline and publish details in Delta.
4. A candidate list may contain a maximum of 30 names of candidates. For the submission of a candidate list the support is required of at least ten persons who are eligible to vote for the student council at institutional level and at least five persons who are entitled to vote for the Faculty Student Council, as evidenced by their signatures. A person who is eligible to vote may support only one list and may not appear as a candidate on that list.
5. The candidate list states the surname, initials, place of residence and address of candidates. The initials may be partly or entirely replaced by the first name. Together with the abbreviation of the degree programme, the surname, initials (or first name) of the candidate may not contain more than thirty characters including spaces.
6. Each candidate list must be accompanied by a written declaration by each candidate on the list stating his or her student number and indicating that he or she accepts the nomination.
7. For nominations both for the election of the Faculty Student Council and the Central Student Council, the name of a candidate may appear on only one candidate list, except that a candidate may appear both on a list for the Central Student Council and on a list for a Faculty Student Council.

#### **ARTICLE 8 INVESTIGATION OF CANDIDATE LISTS**

1. The election committee shall investigate whether the candidate lists, and the candidates that appear on them, fulfil the requirements of these regulations.
2. The election committee shall remove from the list any names of candidates that do not fulfil these requirements, and declare any candidate list that does not fulfil these requirements invalid, and shall immediately inform the person(s) by whom the list was submitted, stating the reasons. The election committee shall subsequently allow this/ these person(s) one week to amend the list so that it conforms to the requirements.
3. The election committee shall make the candidate lists known to the students enrolled at the university no later than two weeks prior to the date of the election.
4. The election committee shall assign a number from one onwards to the candidate lists of groupings that won seats in the previous election, the number one being assigned to the grouping that received the largest number of votes.
5. The name of a grouping may not contain more than 25 characters including spaces.
6. The name of a grouping may not entirely or for the main part resemble that of another grouping which has submitted a candidate list earlier or which won more seats in the previous election.

#### **ARTICLE 9**

If fewer candidates are nominated than there are places to be filled on the Student Council, no election shall take place and the candidates nominated shall be considered to have been elected.

### **IV VOTING METHODS AT ELECTIONS**

#### **ARTICLE 10**

1. At least ten days before the day of the final day of the election or the final day of voting, as referred to in Article 5, the election committee shall send each voter a polling card, as referred to in Article 1.
2. This polling card shall include at least the following:
  - a. the surname, initials and address of the voter;
  - b. the student number of the voter;
  - c. the way in which votes may be cast and the period during which this may take place.

## **ARTICLE 11**

1. The election shall take place by secret ballot by computer.
2. Each student that is entitled to vote shall have the opportunity to vote by computer on the date set by the election committee.
3. The election committee shall ensure that at one separate location, supervised by staff and/or students appointed by the election committee, a computer is available with which those entitled to do so may cast their vote.
4. As soon as a student's entitlement to vote has been accepted by the computer, he or she shall have the opportunity to vote for one of the candidates on the candidate lists shown on the computer.

## **ARTICLE 12**

1. Every student who is entitled to vote may do so once in the elections for the Student Council at institutional level.
2. Every student who is entitled to vote may do so once in the elections for the Faculty Student Council, or for the chamber of a Faculty Student Council under which the programme on which he or she is enrolled as a student at the university, falls.

## **ARTICLE 13**

1. When voting has closed, the election committee shall establish the number of valid votes that have been cast for each candidate, on the basis of the information from the manager of the website concerned.
2. Each person who is entitled to vote may submit a complaint to the election committee at institutional level if he or she is of the opinion that irregularities have occurred that could influence the result of the election. The election committee shall investigate any such complaint at once and make a decision on the validity of the complaint. Depending on the seriousness of the complaint, the election committee may decide to annul the election and hold a new one.

## **ARTICLE 14**

1.

- a. determining the result of the election to the Student Council

To determine the result of the election, the election committee shall first calculate the quota by dividing the number of votes cast by the number of seats available on the Student Council. Each candidate list shall then be allotted a number of seats equal to the number of votes cast for that list divided by the quota. The remaining votes, as well as those votes cast for a list that received fewer votes than the quota, shall count as remainders. Seats that cannot be filled in this way shall be awarded to the lists with the largest remainders of votes. If the two or more lists have the same remainder of votes, lots will be drawn to decide which list is to receive the first remaining seat. Lists that have received less than 75% of the quota shall not be eligible for a remaining seat. Seats falling to a list shall be awarded to the candidates in the order that they appear on the list, on the understanding that a candidate who has personally received a quota is elected automatically.

- b. determining the result of the election to the Faculty Student Council

To determine the result of the election, the election committee shall first calculate the quota by dividing the number of votes cast by the number of seats available on the student council. Each candidate list shall then be allotted a number of seats equal to the number of votes cast for that list divided by the quota. (Lists that have received less than 75% of the quota shall not be eligible for a remaining seat.) The remaining votes, as well as those votes cast for a list that received fewer votes than the quota, shall count as remainders.

For each candidate list, the election committee shall rearrange the candidates that appear on it as follows. Candidates who have personally attained the quota are elected automatically, and shall be placed at the top of the list. They are followed by the candidates who have received a number of votes that is larger than one quarter of the quota, ordered according to the number of votes received. The remaining candidates shall then follow in the order in which they

appear on the candidate list. Where candidates have received an equal number of votes, their position shall be decided according to the order of the candidate list.

As soon as this rearrangement of candidates on the candidate lists has taken place, the election committee shall allocate the remaining seats to be filled. These seats shall be allocated successively to the lists with the largest remainders of votes. If two or more lists have the same remainder of votes, it shall be decided by the drawing of lots which list is to receive the first remaining seat. Seats that fall to a list shall be allocated to the candidates on that list in the order in which they appear after rearrangement.

2. The election result shall be determined by the election committee and announced to the Executive Board and the students enrolled at the university.
3. After the term mentioned in Article 17 paragraph 1 during which objections may be made has elapsed, the election committee shall inform each candidate in writing whether or not he or she has been elected. If the candidate has been elected, a declaration of election shall be sent by recorded delivery, or issued in return for a signed receipt.
4. If the candidate does not make it known to the election committee that he or she accepts his or her election within one month of receiving the declaration of election, he or she shall be regarded as not having accepted his or her election.
5. The election committee shall bring the declaration of election and the candidate's acceptance of it to the notice of the chairman of the student council.

#### **ARTICLE 15**

The voting data on the website concerned shall be kept by the secretary of the election committee for at least three months.

### **V PROVISION FOR INTERIM VACANCIES**

#### **ARTICLE 16**

1. Where a candidate does not accept his or her election, or a vacancy on the student council arises on the basis of Article 2 paragraph 3, the election committee shall declare as elected the highest-placed candidate who is not yet elected, or not yet serving, on the list to which the committee member who is to be succeeded belongs. The following candidates are excluded:
  - a. the candidate whose vacancy is being filled;
  - b. candidates who are not prepared to accept election at that time;
  - c. candidates who have discontinued their enrolment based on the provisions of Article 7.42 of the WHW;
  - d. candidates who have died.
2. The appointment shall be made within one month of the creation of the vacancy. Article 14 paragraph 2 applies *mutatis mutandis*.

### **VI REGULATIONS FOR OBJECTION**

#### **ARTICLE 17**

1. Interested parties may object to a decision concerning:
  - a. the setting of the election date and the times at which voting opens and closes (Article 5 paragraph 1),
  - b. the drawing up of the list of those who are entitled to vote and eligible for election (Article 6 paragraph 1),
  - c. the validity of a candidate list (Article 8),
  - d. the decision on a complaint concerning irregularities (Article 13 paragraph 2),
  - e. the determination of the election result (Article 14 paragraph 2),
  - f. the filling of an interim vacancy (Article 16), within one week of its announcement. As regards points a and b objections should be submitted to the Executive Board, and as regards points c to e, for elections for the student council at institutional level to the Executive Board, and for elections for the Faculty Student Council, to the Dean.

2. On receipt of an objection, the Executive Board or Dean shall inform in writing the person who has submitted it that the TU Delft advisory committee for objections, as referred to in the legal protection section of the Executive and Management Regulations, will make a recommendation on the objection to the Executive Board or Dean. The Executive Board or Dean shall make a decision on the objection within three days of receiving this recommendation.

# Annex 1 to the Election Regulations for Student Councils

## **INSTRUCTIONS**

from the Election Committee for the election of the Central Student Council and Faculty Student Councils.

## **SECRECY**

- I. The election committee shall take measures to ensure the secrecy of the voting.
- II. As soon as the time set for voting to take place has expired, access to the website concerned shall be terminated by or on behalf of the central election committee.
- III. The faculty election committees shall ensure that regular supervision takes place during the election, within the faculty buildings and particularly in locations where computers are concentrated, to prevent any irregularities from taking place.
- IV. The faculty election committees shall ensure that on election days public computers with internet access are screened off as much as possible or are switched off.

# Annex 2 to the Election Regulations for Student Councils

## **CODE OF CONDUCT FOR BEFORE AND DURING THE ELECTION**

The aim of a code of conduct as given below is to provide guidelines for the way in which students and parties should interact during elections. If this code is breached it does not necessarily mean that the elections will be influenced. This is the purpose of the complaints procedure, as described in Article 13 paragraph 2 of the Election Regulations, whereby it may be ascertained whether irregularities have occurred that might have influenced the determination of the election result.

### **a. General rules for interaction**

It is important that student council elections proceed in a fair and proper manner. Campaigns must be conducted with mutual respect for others and their views and agreements.

- Do not use improper or unnecessarily offensive language in campaign statements or promotional material.
- Treat opponents with respect.

### **b. Conducting the campaign prior to and during the election**

Parties promote themselves throughout the year. At the time of the election these promotional activities increase and are directed specifically at winning votes in the election. An election campaign is naturally about influencing people. "How do I persuade my fellow students to vote for my party?" "How do I convince them of my views?"

However, there are limits to the methods of influence and persuasion. Where any coercion takes place, these limits have been exceeded. It is therefore important during elections that students follow the rules below.

During the campaign and election period:

- Promotional activities are not permitted in computer rooms. This means:

No campaign material (election slogans, posters or other promotional material) may be present in rooms at TU Delft where it is possible to vote, particularly in computer rooms.

Furthermore, during the election period:

- It is the responsibility of all those who are entitled to vote to do so without being influenced by other voters, and to refrain from directly influencing other voters.
- The wearing of campaign clothing and/or addressing students while wearing campaign clothing in computer rooms is not permitted.
- While wearing campaign clothing, within a radius of 20 metres of a computer with internet access that is not screened off, it is not permitted to:
  - address students or
  - be present, apart from merely walking past the computer.

### **c. Campaigning methods: Mailings, e-mails and internet**

Campaign material and promotional activities take many forms. Apart from traditional means like leaflets, stands and debates, nowadays increasing use is made of new media like the internet and e-mail. Here a general rule applies:

- Bulk e-mails addressed to large groups of voters are not permitted.



# Annex 4

## Joint Meeting Regulations

### SECTION 1 GENERAL PROVISIONS

#### ARTICLE 1.1 DEFINITIONS

Terms used in these regulations shall be understood as follows:

the Act, the WHW:	the Higher Education and Research Act (Wet op het hoger onderwijs en wetenschappelijk onderzoek);
the WOR:	the Works Councils Act;
the university:	TU Delft;
the Supervisory Board:	the Supervisory Board of the university as referred to in Article 9.8 of the WHW;
the Executive Board:	the Executive Board of the university as referred to in Article 9.2 of the WHW;
Works Council:	the Works Council set up at TU Delft as a result of the decision of the Executive Board to exercise the option in Article 9.30 of the WHW to apply the Works Councils Act;
Student Council:	the body set up at institutional level, based on the student representation regulations referred to in Article 9.30 paragraph three, second sentence of the WHW;
Joint meeting:	the joint meeting of the Works Council and the Student Council, as referred to in Article 9.30a, paragraph one of the WHW;
consultative meeting:	the meetings at which the parties in the joint meeting hold consultations with the Executive Board;

The Arbitration Committee: the arbitration committee referred to in Article 9.39 of the WHW.

#### ARTICLE 1.2

Where they also occur in the Act, all other terms occurring in these regulations are to be interpreted as intended in the Act.

### SECTION 2 COMPOSITION

#### ARTICLE 2.1

The joint meeting shall consist of the members of the Works Council and the Student Council.

### SECTION 3 JOINT MEETING DECISION-MAKING PROCESS

#### ARTICLE 3.1

1 For the purpose of decision-making in the joint meeting, the votes shall be allocated to the members of the joint meeting in such a way that the proportion of votes of both the Student Council and the Works Council as a whole shall be of equal value:

- a. the vote of each member of the Student Council shall have a value of 1;
- b. the value of the vote of each member of the Works Council shall be calculated by dividing the number of members of the Student Council by the number of members of the Works Council.

2. A meeting of the joint meeting may only take place if at least half of the members of the Student Council and at least half of the members of the Works Council are present.

3. In the event of a meeting not taking place due to the circumstances described in the previous paragraph, the joint meeting will be notified of a new meeting. This new meeting may not take place until at least forty-eight hours have elapsed after such notification is given. The requirement of the third paragraph shall not apply for the second meeting.
4. The joint meeting may decide in special cases, if the consent of at least two thirds of the votes of the joint meeting has been obtained in writing, to agree with the Executive Board that decisions may be taking outside the joint meeting, in writing.

## **SECTION 4      CONSULTATIVE MEETING WITH THE EXECUTIVE BOARD**

### **ARTICLE 4.1**

1. The Executive Board is responsible for calling consultative meetings, and shall agree a date in consultation with the chairmen of the Works Council and the Student Council. The subjects discussed in the consultative meeting shall be those referred to in Article 6.2, paragraph one of these regulations under a to c, on which the joint meeting has the right of approval.
2. The Executive Board is responsible for ensuring that the joint meeting is in possession of the agenda and related documentation at least fourteen days before the consultative meeting, except when urgent matters have to be discussed.
3. The joint meeting may request the Executive Board to call an extra consultative meeting about the matters referred to in Article 6.2, paragraph 1 of these regulations, under a to c. The reasons for any such request must be given, and it should have the support of at least half of the votes of the joint meeting. If the Executive Board refuses such a request, it must provide its reasons for doing so.
4. The consultative meeting shall be conducted for the Executive Board by one of its members, who will chair the meeting.
5. The consultative meeting shall be chaired in rotation by a member of the Executive Board, the chairman of the Works Council and the chairman of the Student Council.
6. The agenda of the consultative meeting shall be drawn up by the Executive Board, in consultation with the chairmen of the Works Council and the Student Council.
7. A consultative meeting shall be adjourned if a member of the Executive Board or the chairman of the Works Council or the chairman of the Student Council wishes to consider a matter in private.
8. A report of each meeting shall be made by a person nominated by the Executive Board.
9. The Executive Board shall ensure that agendas and reports of the consultative meetings are sent to the Dean of the faculty and are available to interested parties for consultation at generally accessible places within the university.

### **ARTICLE 4.2      PUBLIC NATURE OF THE CONSULTATIVE MEETING (9.32.6 of the WHW)**

1. Consultative meetings shall be open to the public, unless the nature of the matter to be discussed makes it desirable that it be discussed in closed session. A decision to hold a closed meeting must be well founded.
2. Those present during a consultative meeting that is held either wholly or partly in closed session shall have a duty of confidentiality regarding its substance, as stipulated in Article 6.6.
3. If any personal interests of any member of the joint meeting are at issue during a consultative meeting, the joint meeting may decide, following a proposal by at least half the members of the Student Council or half the members of the Works Council, that the member concerned should not take part in that meeting or relevant part of the meeting.  
The joint meeting shall also decide whether or not the discussions on the matter in question should take place in closed session.
4. Where a consultative meeting is held in closed session either wholly or in part, a confidential report shall be made for that meeting or the closed part of the meeting.

## **SECTION 5 PROVISION OF INFORMATION (9.30a.3 and 9.34.3.f)**

### **ARTICLE 5.1**

- 1 The Executive Board shall provide, in good time, the members of the joint meeting, whether they ask for it or not, all the information that they can be reasonably expected to need in order to fulfil their duties. The Executive Board is responsible for ensuring that the joint meeting is informed at an early stage about the progress of the preparations of the matters referred to in Article 6.2 paragraph 1, and that it is given the opportunity to exchange views on said matters with the Executive Board.
2. The Executive Board shall provide information referred to in the first paragraph in writing unless otherwise agreed.
3. The Executive Board shall provide the information as quickly as possible, but no later than three weeks after a written request from the joint meeting has reached the Executive Board. This period may only be exceeded by way of exception, and the joint meeting must be informed in writing as to the reasons for failure to comply with said period.

## **SECTION 6 JURISDICTION OF JOINT MEETING**

### **ARTICLE 6.1 RIGHT OF INITIATIVE**

1. The joint meeting is authorised to make proposals to the Executive Board and make its positions known in relation to matters referred to in Article 6.2, paragraph 1 under a to c of these regulations. The Executive Board shall provide a written reasoned response to said proposals to the joint meeting within three months, in the form of a proposal. If the Executive Board does not respond within three months, a dispute shall be deemed to exist as defined in Article 9.45 of the WHW.
- 2 Before the Executive Board issues its response, the Board shall give the joint meeting at least one opportunity to hold consultations with the Board in respect of its proposal.

### **ARTICLE 6.2 RIGHT OF APPROVAL (9.30A.2 OF THE WHW)**

- 1 The Executive Board requires the right of approval of the joint meeting of all relevant proposals concerning the following matters:
  - a. the strategic plan, referred to in Article 2.2. of the WHW, including the outlines of financial policies, as well as major interim amendments to the strategic plan;
  - b. the design of the system of quality assurance in accordance with Article 1.18, paragraph 1 of the WHW, as well as the proposed policies in the light of the outcomes of the quality assessment referred to in Article 2.9, paragraph 2, second sentence of the WHW;
  - c. the executive and management regulations, as referred to in Article 9.4 of the WHW.
2. The Executive Board requires the approval of two-thirds of the votes of the joint meeting on its proposals for joint meeting regulations as well as for any amendment of same.

### **ARTICLE 6.3 PROCEDURE FOR RIGHT OF APPROVAL (9.30a.3 and 9.34.3g of the WHW)**

1. The Executive Board shall submit reasoned written proposals to the joint meeting at such a time that they may be discussed at a Works Council meetings and a Student Council meeting prior to the consultative meeting.
2. The joint meeting shall not make decisions before the matters concerned have been discussed at least once in a consultative meeting.

After discussion, the joint meeting shall make known its decision on whether to grant or withhold approval on a proposed decision, if at all possible during the same consultative meeting. If the joint meeting indicates that it is not able to do so, it shall make its decision known in writing to the Executive Board within three weeks of the consultative meeting.

3. If the joint meeting has not expressed a view in the allotted period, the proposed decision shall be deemed to have been given the approval of the joint meeting.

#### **ARTICLE 6.4 DISPUTES ON RIGHTS OF APPROVAL (9.30a.4 and 9.40 of the WHW)**

1. If a proposal of the Executive Board does not receive the required approval of the joint meeting, the Executive Board shall inform the joint meeting within three months as to whether the proposal is to be withdrawn or sustained. If the joint meeting is not informed within three months, the proposal shall cease to be valid.
2. If the Executive Board wishes to implement the decision, this shall be regarded as a dispute in the sense of Article 9.40 paragraph 1 letter a of the WHW.  
The Executive Board shall report the dispute to the Supervisory Board. The Supervisory Board shall investigate whether or not an amicable settlement is possible. If it is not, then the Executive Board will put the dispute before the arbitration committee.
3. If the joint meeting is of the opinion that the Executive Board should have presented a decision to the joint meeting for approval, the joint meeting shall bring this to the notice of the Executive Board, stating its reasons. The Executive Board shall consult with the joint meeting. If after this consultation the Executive Board still does not present the decision to the joint meeting for approval and the council decides to stand by its view, it shall bring this to the notice of the Executive Board. The matter shall then be regarded as a dispute for which the procedure detailed in the second paragraph of this article should be followed.

#### **ARTICLE 6.5 ARBITRATION COMMITTEE (9.39 AND 9.40 OF THE WHW)**

Disputes as referred to in Section 9, paragraph 3 of the WHW shall be presented to the arbitration committee as referred to in Article 9.39 of the WHW. The dispute shall be dealt with according to Article 9.40 of the WHW.

#### **ARTICLE 6.6 CONFIDENTIALITY**

1. Members of the joint meeting as well as any experts consulted by them are obliged to treat as confidential any matter brought to their attention in their respective capacities in respect of which the Executive Board or the joint meeting has indicated its confidential nature, or any matter of which they should be aware of its confidential nature.  
Any proposal to impose an obligation of confidentiality will be made known wherever possible before the matter in question is discussed. The person imposing the obligation of confidentiality shall also give notice of which written or verbal information is covered by the obligation of confidentiality and how long the imposition of same will last, as well as whether there are persons with regard to whom the obligation of confidentiality need not be observed.
2. The first paragraph applies equally to persons who have supporting functions in relation to the joint meeting.
3. The obligation referred to in the first paragraph shall not apply to any person who is approached by a member of the joint meeting for consultation purposes, provided the Executive Board or the person who has imposed the obligation of confidentiality has given prior permission for the consultations with the person in question and that the latter has declared his or her willingness in writing to treat the matter in question with confidence. In that case, the first paragraph shall apply to the person in question.
4. Should the Executive Board or the person who has imposed the obligation of confidentiality refuse to give permission referred to in the previous paragraph, they shall give their reasons for doing so.
5. If any member of the joint meeting is, in the opinion of a majority of the joint meeting, guilty of any breach of an obligation of confidentiality referred to in the first paragraph of this article, or of the Executive Board is of the view that a member has not adhered to an obligation of confidentiality imposed by the Executive Board, the chairman of the joint meeting shall issue a warning to the person concerned.  
If the same member of the joint meeting is found to be guilty of a breach of an obligation of confidentiality for a second time, the person involved shall be excluded from any meeting or parts of meetings held in closed session, and from

receiving any information that is subject to an obligation of confidentiality.

6. The obligation to maintain confidentiality shall not cease to apply because the joint meeting membership of the person concerned has been discontinued or his or her connections with the university have been ended.

## **SECTION 7 FINAL AND INTERIM PROVISIONS**

### **ARTICLE 7.1 COMMENCEMENT OF AND AMENDMENTS TO THESE REGULATIONS**

These regulations and any amendment to them shall be presented to the joint meeting by the Executive Board, and shall not be enacted by the Executive Board before they have obtained the approval of a two-thirds majority of the joint meeting, taking into account the values of the votes referred to in Article 3.1.

### **ARTICLE 7.2 UNFORESEEN CIRCUMSTANCES**

In cases relating to subjects governed by these regulations for which the regulations make no provision, or in the case that these regulations lead to multiple interpretations, the Executive Board shall make a proposal to the joint meeting to make provision for the case in question; in urgent cases such a proposal may be made verbally in a meeting. The joint meeting shall decide on the proposal on the basis of a simple majority; if a quorum is not present, the matter shall be decided based on the opinion of the majority of members present.

For the purpose of determining whether or not a majority vote has been cast, account shall be taken of the value of the votes referred to in Article 3.1.

### **ARTICLE 7.3 COMMENCEMENT**

These regulations shall come into force one day after they have been ratified by the Executive Board in accordance with Article 7.1 of these regulations.

Ratified by the Executive Board on 26 August 1998 after approval by the joint meeting on 26 August 1998.

Last amended by the Executive Board on 10 August 2010 after approval by the joint meeting on 8 July 2010.

# Annex 5

## TU Delft Executive and Management Regulations

Adopted in amended form by the Executive Board after acceptance by the General Assembly of the Works Council and Student Council.

Most recently approved by the Supervisory Board on 11 December 2013 and 28 February 2014 (in writing).

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## CHAPTER I      GENERAL PROVISIONS

### ARTIKEL 1.

Delft University of Technology may be referred to as: Delft University of Technology or TU Delft.

### ARTIKEL 2.

1 Insofar as is not explicitly stipulated otherwise, the terms used in these Regulations are defined as follows:

- a. WHW: the Higher Education and Research Act (Wet op het hoger onderwijs en wetenschappelijk onderzoek);
- b. the Minister: the Minister of Education, Culture and Science;
- c. the university: TU Delft;
- d. the Executive Board: the Executive Board of Delft University of Technology, as referred to in Article 10;
- e. the Supervisory Board: the Supervisory Board, as referred to in Article 7;
- f. the faculty: a faculty, as referred to in Article 3;
- g. the dean: the incumbent, as referred to in Article 19, paragraph 2;
- h. the faculty regulations: the incumbent, as referred to in Article 22, paragraph 3;
- i. the Director of Studies: the incumbent, as referred to in Article 25;
- j. support organisation: the service referred to in Article 5;
- k. integrated management: the responsibility for achieving the objectives of the organisational division and for the management of the means available for that achievement within the frameworks and guidelines established by the next higher management level;
- l. the manager: the managers appointed by the Executive Board with due observance of Article 34, paragraphs 2 to 4, namely: the dean of a faculty, and the Administrator of the University Corporate Office, as well as the director of research of the research institute referred to in Annex 2 (point 2) of these regulations;
- m. the management unit: the component of the university organisation distinguished by the Executive Board as a separate unit of human, financial and material resources;
- n. the sub-management unit: the individual component within a management unit designated by the Executive Board on the proposal of the manager;
- o. mandate regulations: regulations establishing who within TU Delft is authorised to perform legal acts on behalf of TU Delft;
- p. a department: a collaboration of professionals and their immediate support in the faculty, as referred to in Article 22, paragraph 3;
- q. Works Council: the body established in accordance with the Works Councils Act (Wet op de ondernemingsraden);
- r. Student Council: the body established in accordance with the participation scheme, referred to in Section 9.30 of the WHW, subsection 3, second sentence, at institution level and in every faculty;
- s. Technology, Policy and Management users' council: the consultation body established with the Faculty of Technology, Policy and Management for consultation between students and the dean on the service teaching provided by this faculty;
- t. General Assembly of Councils: the body referred to in Section 9.30a of the WHW;
- u. Annex: document that forms part of these regulations and therefore requires the approval of the General Assembly of Councils;
- v. overview: document that does not form part of these regulations and therefore does not require the approval of the General Assembly of Councils;

- w. TU Delft Graduate School: the graduate school referred to in Article 18a, paragraph 1;  
x. Director of Education: the incumbent referred to in Article 24a;  
y. Vice-Rector: the incumbent referred to in Article 16a.

2. The other terms in these regulations, which also appear in the WHW, have the meanings ascribed to them by the WHW.

## **CHAPTER II THE MANAGEMENT AND THE ORGANISATION OF THE UNIVERSITY**

### **SECTION 1 INTRODUCTORY PROVISIONS**

#### **ARTICLE 3 FACULTIES**

The University comprises the following faculties:

- a. the Faculty of Architecture and the Built Environment;
- b. the Faculty of Civil Engineering and Geosciences;
- c. the Faculty of Electrical Engineering, Mathematics and Computer Science;
- d. the Faculty of Aerospace Engineering;
- e. the Faculty of Mechanical, Maritime and Materials Engineering;
- f. the Faculty of Industrial Design Engineering;
- g. the Faculty of Technology, Policy and Management;
- h. the Faculty of Applied Sciences.

#### **ARTICLE 4 DEGREE PROGRAMMES**

The University provides the following degree programmes:

- a. in the Faculty of Architecture and the Built Environment:
  - the Bachelor's degree programme:
    - Architecture
  - the Master's degree programmes:
    - Architecture, Urbanism and Building Sciences
    - Geomatics
- b. in the Faculty of Civil Engineering and Geosciences:
  - the Bachelor's degree programmes:
    - Civil Engineering
    - Applied Earth Sciences
  - the Master's degree programmes:
    - Civil Engineering
    - Applied Earth Sciences
    - Construction Management & Engineering
- c. in the Faculty of Electrical Engineering, Mathematics and Computer Science:
  - the Bachelor's degree programmes:
    - Electrical Engineering
    - Applied Mathematics
    - Computer Science
  - the Master's degree programmes:
    - Electrical Engineering
    - Applied Mathematics



- Computer Engineering
  - Computer Science
  - Embedded Systems
- d. in the faculty of Aerospace Engineering:
- the Bachelor's degree programme:
- Aerospace Engineering
- the Master's degree programme:
- Aerospace Engineering
- e. in the Faculty of Mechanical, Maritime and Materials Engineering:
- the Bachelor's degree programmes:
- Mechanical Engineering
  - Marine Technology
- the Master's degree programmes:
- Mechanical Engineering
  - Marine Technology
  - Systems & Control
  - Materials Science and Engineering
  - Offshore & Dredging Engineering
- f. in the Faculty of Industrial Design Engineering:
- the Bachelor's degree programme:
- Industrial Design
- the Master's degree programmes:
- Integrated Product Design
  - Design for Interaction
  - Strategic Product Design
- g. in the Faculty of Technology, Policy and Management:
- the Bachelor's degree programme:
- Systems Engineering, Policy Analysis and Management
- the Master's degree programme:
- Management of Technology
  - Engineering & Policy Analysis
  - Systems Engineering, Policy Analysis & Management
- h. in the Faculty of Applied Sciences:
- the Bachelor's degree programmes:
- Molecular Science & Technology
  - Applied Sciences
  - Life Science & Technology
  - Nanobiology
- the Master's degree programmes:
- Applied Physics
  - Chemical Engineering
  - Life Science & Technology
  - Nanoscience
  - Sustainable Energy Technology
  - Science Education & Communication
  - Industrial Ecology

i. between the Faculties of Civil Engineering and Geosciences, Mechanical, Maritime and Materials Engineering and Technology, Policy and Management:

the Master's degree programme:

- Transport, Infrastructure & Logistics

j. between the Faculties of Mechanical, Maritime and Materials Engineering, Electrical Engineering, Mathematics and Computer Science and Applied Sciences:

the Master's degree programme:

- Biomedical Engineering

## **ARTICLE 5 SUPPORT ORGANISATION**

The University has a support organisation, which is referred to as the University Corporate Office. The University Corporate Office is headed by a member of the Executive Board.

## **ARTICLE 6 INTEGRATED MANAGEMENT**

The administration and management of the University are arranged in accordance with the integrated management principle.

## **SECTION 2 THE SUPERVISORY BOARD**

### **ARTICLE 7 COMPOSITION AND APPOINTMENT OF THE SUPERVISORY BOARD** (Section 9.7 of the WHW)

1. The Supervisory Board consists of at least three and no more than five members.
2. The chairman and the other members are appointed, suspended and dismissed by the Minister. One of the members is appointed on the nomination of the General Assembly of Councils and the Student Council. The nomination must include at least two names. If the nominated candidates are not appointed by the Minister, a new nomination will be made. The Minister may deviate from the second nomination, supported by reasons. A balanced distribution of the seats between men and women is taken into account as much as possible with regard to the appointment. The Minister will appoint a member who enjoys the trust of both the Works Council and the Student Council. The appointment is for a maximum period of four years.
3. A member can be dismissed prematurely if there are compelling reasons for doing so.
4. The composition, tasks and powers of the Supervisory Board are such that the Board can exercise thorough and independent supervision. The members of the Supervisory Board have no direct interests in the University. Furthermore, the members of the Supervisory Board are not employed by a Ministry and are not members of the Dutch House of Representatives or Senate. They serve in a personal capacity and perform their duties independently and not bound by any instructions. The appointment of the members of the Supervisory Board takes place on the basis of profiles published in advance.
5. The Works Council and the Student Council will be given the opportunity to issue recommendations to the Supervisory Board on the profiles referred to in paragraph 4.
6. The Executive Board provides functionally independent administrative support to the Supervisory Board. The Supervisory Board has the right of approval with regard to the appointment and dismissal of the secretary of the Board.
7. The members of the Executive Board will attend the meetings of the Supervisory Board, unless the Supervisory Board decides otherwise. They will participate in the meetings in an advisory capacity.

### **ARTICLE 8 TASKS AND POWERS** (Section 9.8 of the WHW)

1. The Supervisory Board supervises the implementation of activities and the exercising of powers by the Executive Board and advises the Executive Board. In any case, the Supervisory Board is responsible for:
  - a. the appointment, suspension, dismissal of and setting of the remuneration for the members of the Executive Board;

- b. approval of the Executive and Management Regulations, as referred to in Section 9.4 of the WHW;
- c. approving the strategic plan, as referred to in Section 2.2 of the WHW;
- d. approving the budget, the balance sheets and the annual report, as referred to in Sections 2.8 and 2.9 of the WHW;
- e. monitoring the design of the quality assurance system in accordance with Section 1.18 of the WHW;
- f. approving the decision or the revocation thereof, as referred to in Section 9.30 of the WHW, and, as appropriate, the accompanying participation scheme;
- g. the document referred to in Section 4.2, subsection 3 of the WHW, concerning proportional representation of women in management positions with regard to education and research;
- h. monitoring compliance by the Executive Board with legal obligations and dealing with the sector code, as referred to in Section 2.9 of the WHW;
- i. monitoring the lawful acquisition and the efficient and lawful use of the resources obtained in accordance with Sections 2.5 and 2.6 of the WHW;
- j. designating an auditor as referred to in Section 393, subsection 1 of Book 2 of the Dutch Civil Code, who reports to the Board;
- k. providing an annual account on the execution of the duties and the exercise of the powers referred to under a to i, in the annual report of the University, and
- l. approving a decision concerning a joint scheme as referred to in Section 8.1 of the WHW.

2. The Supervisory Board consults with the Works Council and the Student Council at least twice a year.

#### **ACCOUNTABILITY AND THE PROVISION OF INFORMATION** (Section 9.9 of the WHW)

- 1. The Supervisory Board is accountable to the Minister.
- 2. The Supervisory Board will provide the Minister with the requested information concerning its actions.

### **SECTION 3 THE EXECUTIVE BOARD**

#### **ARTICLE 10 GENERAL POWERS** (Section 9.2 of the WHW)

- 1. The Executive Board is charged with the administration of the university in its entirety and with its management, without prejudice to the powers of the Supervisory Board.
  - a. The President of the Executive Board represents the University legally and otherwise.

#### **ARTICLE 11 SPECIAL POWERS** (Sections 9.4 and 9.5 of the WHW)

- 1. The Executive Board draws up Executive and Management Regulations for the administration, management and organisation of the University.
  - b. The Executive Board draws up guidelines for the purpose of the organisation and coordination of the exercising of the powers referred to in Article 22, paragraph 3 and Article 23, paragraph 1.
  - c. The Executive Board draws up guidelines and instructions for exercising the managerial powers.

#### **ARTICLE 12 COMPOSITION AND LEGAL STATUS OF THE MEMBERS** (Section 9.3 of the WHW/ Section 30 of the Works Councils Act (WOR))

- 1. The Executive Board consists of three members, including the Rector Magnificus. A balanced distribution of the seats between men and women is taken into account as much as possible with regard to the appointment.
- 2. The members of the Executive Board are appointed, suspended and dismissed by the Supervisory Board. The appointment is for a term to be determined by the Supervisory Board. A member will be granted an honourable discharge at the end of the month in which he/she reaches the age limit applicable in public service.

3. Before appointing or dismissing a member of the Executive Board, the Supervisory Board will consult the Works Council and the Student Council confidentially on the intended decision concerning the appointment or dismissal. This consultation will take place at a time at which it can have a substantial effect on the decision-making process.
4. The Executive Board will give the Works Council the opportunity to issue advice on an intended decision concerning the appointment or dismissal of a member of the Executive Board. This advice must be requested at a time at which it can have a substantial effect on the decision to be made.
5. The President of the Executive Board is appointed from among the members of the Supervisory Board.
6. The Rector Magnificus is a professor and is appointed on the nomination of the Executive Board, in compliance with the appointment procedure attached to these regulations (Annex 1). The nomination will be departed from only following consultation with the Executive Board.
7. A member of the Executive Board can be dismissed prematurely if there are compelling reasons for doing so.
8. A member of the Executive Board may not simultaneously be:
  - d. a member of the Supervisory Board;
  - e. a dean of a faculty;
  - f. a Director of Studies;
  - g. a member of the Supervisory Board or of the Executive Board of another university.

### **ARTIKEL 13 ACCOUNTABILITY AND THE PROVISION OF INFORMATION** (Section 9.6 of the WHW)

1. The Executive Board is accountable to the Supervisory Board.
  - h. The Executive Board will provide the Supervisory Board with the requested information concerning its decisions and actions.
  - i. The Executive Board will provide the Minister with the requested information concerning the University.

### **ARTICLE 14 INTERNAL ALLOCATION OF DUTIES**

Without prejudice to the responsibility of the Executive Board in its entirety for the way in which it carries out its tasks, the Executive Board may decide to allocate duties internally. This allocation of duties will in any event be communicated to the Supervisory Board, as well as the staff and students of the University.

### **ARTICLE 15 RULES OF PROCEDURE**

The Executive Board may adopt rules of procedure for its meetings, which are to be communicated to the Supervisory Board.

### **ARTICLE 16 ADVISORY AND CONSULTATIVE BODIES**

The Executive Board may set up advisory and consultative bodies.

### **ARTICLE 16A VICE-RECTOR**

1. The Executive Board may appoint one or more professors Vice-Rector, charged with the tasks and powers described by the Executive Board.
2. The Vice-Rector or one of the Vice-Rectors may be charged with the day-to-day business concerning doctorates in particular and as such may be appointed vice-chairman of the Board for Doctorates.

## **SECTION 4 THE BOARD FOR DOCTORATES**

### **ARTICLE 17 THE BOARD FOR DOCTORATES**

2. The University has a Board for Doctorates.

j. the members of the Board for Doctorates are appointed by the Executive Board. The Board consists of:

k. the Rector Magnificus, as chairman;

l. a vice-chairman, to be appointed by the Rector Magnificus;

m. the dean of a faculty or a professor of the faculty to be nominated by him.

n. In any event, the Board for Doctorates has the following tasks:

o. the establishment of the Doctoral Regulations;

p. the appointment of PhD supervisors and the forming of doctoral committees;

q. the conferment of the doctorate;

r. the conferment of the honorary doctorate;

s. advising on the establishment of endowed chairs, pursuant to the provisions of Article 28 of these regulations;

t. the awarding of exemptions from the Doctoral Education programme or components thereof to doctoral candidates, individually or as a group.

### **ARTICLE 18 DOCTORAL REGULATIONS** (Section 7.19 of the WHW)

Having regard to the provisions of the WHW, the Board for Doctorates adopts the Doctoral Regulations. These regulations provide for:

u. the further requirements concerning access to the PhD conferral ceremony, referred to in Section 7.18, subsection 2, under c, of the WHW;

v. the course of events concerning the preparation of the doctorate and the conferral of the doctorate itself, including the tasks and responsibilities of everyone who is or can be involved in the pursuit of the doctorate, and

w. the provisions concerning the resolution of disputes that may occur with regard to the preparation of the doctorate and the conferral of the doctorate itself.

## **SECTION 4A THE TU DELFT GRADUATE SCHOOL**

### **ARTICLE 18A. TASKS AND BOARD OF THE TU DELFT GRADUATE SCHOOL**

1. The University has a graduate school, hereinafter referred to as TU Delft Graduate School, consisting of a Board and the Faculty Graduate Schools.

2. TU Delft Graduate School is responsible for the organisation of the degree programmes and the supervision of doctoral candidates within the University.

3. Each faculty has a Faculty Graduate School, led by a director. The director is appointed by the dean of the faculty concerned in consultation with the Executive Board.

4. The Board consists of the TU Delft Graduate School Director, the Rector Magnificus, the Faculty Graduate School Directors and the University Corporate Office Director charged with education and student affairs and the Director charged with human resources. The TU Delft Graduate School Director is appointed by the Executive Board and is the Chairman of the Board. The Rector Magnificus is the Vice-chairman of the Board.

5. The Board is charged with:

a. the responsibility for the policy of the TU Delft Graduate School;

b. defining and monitoring the generic principles for the Faculty Graduate Schools with regard to the structure and criteria that the Doctoral Education degree programme must meet, and also supporting and supervising the Faculty Graduate Schools;

- c. Approving the Doctoral Education programmes established by the Faculty Graduate Schools;
- d. Adopting plans for e.g. monitoring and quality assurance of supervision education of the doctoral candidates.
6. The Board reports on its activities to the Executive Board regularly, at least once a year.
7. The faculties contribute to the TU Delft Graduate School by paying a fee for each doctoral candidate, to be set by the Executive Board.

## **SECTION 5 THE FACULTY**

### **PART 5.1 INTRODUCTORY PROVISIONS**

#### **ARTICLE 19 TASKS AND MANAGEMENT OF THE FACULTY (SECTION 9.12 OF THE WHW)**

1. Teaching and the pursuit of science take place within the faculty.
2. The faculty is headed by the dean of the faculty.

#### **ARTICLE 20 APPOINTMENT AND DISMISSAL OF THE DEAN (Section 9.13, subsections 1, 2 and 3 of the WHW)**

1. The dean is appointed, suspended and dismissed by the Executive Board. The dean holds the position of professor. The appointment is for a term to be determined by the Executive Board.
  - x. The Executive Board will establish an appointment procedure, in accordance with Section 9.13, subsection 2 of the WHW.
  - y. The dean can be suspended or dismissed prematurely if there are compelling reasons for doing so.

#### **ARTICLE 21 DEPUTY DEAN**

On the recommendation of the dean, the Executive Board will appoint a full-time professor of the faculty as deputy dean, to replace the dean in the event of long-term absence.

### **PART 5.2 TASKS AND POWERS OF THE DEAN**

#### **ARTICLE 22 GENERAL TASKS AND POWERS (SECTION 9.14 OF THE WHW)**

1. The dean is the overall manager of the faculty and is charged with the its general management. The dean is also charged with the management and organisation of the faculty for teaching and scientific and scholarly practice and the management thereof.
2. The dean participates in the management of the University by consulting with the Executive Board with regard to the preparation of the strategic plan and the budget, among other things.
3. Notwithstanding the guidelines of the Executive Board, as referred to in Article 11 of these regulations, the dean draws up the faculty regulations to further specify the management and organisation of the faculty. This includes the subdivision of the faculty by establishing departments. The head of a department is accountable to the dean.
4. The faculty regulations must be approved by the Executive Board.
5. If the faculty regulations are not drawn up in full within the period determined by the Executive Board, the Executive Board will draw up the regulations or the missing part thereof.

#### **ARTICLE 23 SPECIAL TASKS AND POWERS (Section 9.15 of the WHW)**

1. The dean is also charged with:
  - a. adopting the Teaching and Examination Regulations, as referred to in Section 7.13 of the WHW, as well as the regular assessment thereof;
  - b. setting general guidelines for academic practice;

- c. adopting the annual research programme of the faculty;
- d. overseeing the implementation of the Teaching and Examination Regulations and the annual research programme, as well as reporting on this regularly to the Executive Board;
- e. the establishment of the Boards of Examiners and the committee, referred to in Section 7.29, subsection 1 of the WHW, as well as the appointment of the members of those Boards and committees;
- f. the rules of implementation concerning the binding recommendation on the continuation of studies, with the exception of the designation of degree programmes to which the binding recommendation applies;
- g. adopting further rules concerning the way in which students can obtain exemptions as referred to in Section 7.25, subsections 1 and 2, Section 7.28, subsections 2 to 4, and Section 7.29, subsection 1 of the WHW;
- h. issuing a notice of admission of Master's degree programmes, as referred to in Section 7.30a, subsection 5 and Section 7.30c of the WHW;
- i. entering into a joint scheme for one or more degree programmes with one or more deans from other faculties and
- j. establishing the procedures and criteria concerning the recognition of acquired competences for students who are not enrolled.
- k. The dean exercises the right of nomination as referred to in Article 17, paragraph 3 under d.

#### **ARTICLE 24 ACCOUNTABILITY AND THE PROVISION OF INFORMATION (SECTION 9.16 OF THE WHW)**

The dean is accountable to the Executive Board. He will provide the Board with the requested information concerning the faculty.

#### **ARTICLE 24A DIRECTOR OF EDUCATION**

1 The dean appoints a Director of Education for his faculty after consulting with the Executive Board. The Director of Education, who is ultimately accountable to the dean, is responsible for the quality of the education provided by the faculty.

2 The Director of Education has the following responsibilities and powers:

- a. without prejudice to the powers of the dean as a manager of the faculty, he has functional responsibility for the educational process of the faculty, in particular:
  - the organisation and quality control of the education and the associated information and communication technology
  - the curriculum, the substantive cohesion of and the connection to the demand side of the degree programmes
  - the faculty's education policy
  - the budgetary responsibility of the degree programmes.
- b. supervising the Directors of Studies of the faculty and the incumbents charged with a similar task within the faculty;
- c. participating in meetings of the Directors of Studies with the member of the Executive Board responsible for the portfolio of education, and contributing in these meetings to the development of the University's strategic education policy and its specific implementation in the faculty;
- d. monitoring and developing the teaching qualities of the teachers in the faculty;
- e. maintaining external educational contacts on behalf of the faculty.
- f. advising the dean on educational matters in close cooperation with the Head of Education & Student Affairs.

3 The Director of Education is accountable to the dean and is a member of the faculty management team.

4. The position of Director of Education is held by a professor, entails at least 0.5 FTE and is a temporary position for a period of 4 years, with a possibility of reappointment.

5 The position of Director of Education does not affect the organisational position of the Director of Education & Student Affairs. The Director of Education & Student Affairs is responsible for the support of the faculty educational process, under the direct management of the dean.

**ARTICLE 25 MANAGEMENT OF THE DEGREE PROGRAMMES; THE DIRECTOR OF STUDIES** (Section 9.17 of the WHW)

1. The dean will appoint a Director of Studies for each degree programme established in the faculty.
2. Further rules concerning the tasks of the Director of Studies will be laid down in the faculty regulations.
3. The Director of Studies may not simultaneously be a member of the Board of Studies of the programme of which he is the Director of Studies.

**ARTICLE 26 BOARDS OF STUDIES (SECTION 9.18 OF THE WHW)**

1. The dean will establish a Board of Studies for each degree programme or group of programmes of the faculty. The tasks of the Board of Studies are:
  - z. to issue recommendations on the Teaching and Examination Regulations, as referred to in Section 7.13 of the WHW;
  - aa. to annually assess how the Teaching and Examination Regulations have been implemented, and
  - bb. when requested or on its own initiative, advising the Director of Studies, referred to in Article 25, and the dean on all matters related to teaching in the degree programme concerned.

The Board sends the recommendations referred to under a and c to the Faculty Student Council for information purposes.
  - cc. The faculty regulations lay down the procedural rules concerning the application of the first paragraph and stipulate the method of appointment and the composition of the Board of Studies, on the understanding that half of the total number of members of the Board are students enrolled in the degree programme concerned.
  - dd. If a decision by the dean needs to be presented to the Board of Studies for advice beforehand, the dean will ensure that the Board of Studies:
    - ee. has the opportunity to consult on this prior to issuing advice;
    - ff. will be informed in writing as soon as possible of the way in which the advice issued will be followed through.

**PART 5.3 PROFESSORS**

**ARTICLE 27 APPOINTMENT OF PROFESSORS**

1. The professors of the University are appointed by the Executive Board.
2. The dean will draw up a profile for the chair for which a professor is considered advisable, and submit this decision to the Executive Board for approval.
3. Once the approval referred to in paragraph 2 has been granted, the dean will establish an appointments committee and submit this decision to the Executive Board for approval.
4. Once the approval referred to in paragraph 3 has been granted, the appointments committee will draw up a report. On the basis of this report, the dean will submit a nomination for the appointment of a professor to the Executive Board, supported with reasons.
5. The Executive Board will submit the decisions and nomination referred to in paragraphs 2, 3 and 4 to representatives of the professors designated for this purpose by the Board for advice. The Executive Board has the right to deviate from the advice of the representatives of the professors at any time.
6. The Executive Board will decide on the nomination by proceeding with the appointment of a professor or by rejecting the nomination.
7. After notifying the dean of the faculty concerned and the designated representatives of the professors in advance, the Executive Board may decide in the context of an appointment procedure not to implement the provisions of paragraphs 2 to 5.



## **PART 5.4      ENDOWED CHAIRS**

### **ARTICLE 28      CERTIFICATE OF COMPETENCE (SECTION 9.53 OF THE WHW)**

1. The Executive Board may, after consulting with the Board for Doctorates, authorise a legal entity with full legal capacity to establish an endowed chair at the University. The decision states the faculty and the scientific field in which the endowed professor will teach. The Executive Board may attach a time limit to the certificate of competence.
  - gg. The Board of the legal entity with full legal capacity must submit a request to establish an endowed chair to the Executive Board.
  - hh. The request referred to in paragraph 2 must be accompanied by:
    - the articles of association of the legal entity;
    - the deed or regulations concerning the establishment of one or more endowed chairs;
    - reasons for wishing to establish the endowed chair;
    - agreement of the dean of the faculty concerned.
  - ii. In addition to the requirements in the request to satisfy legal provisions, the articles of association, the deed or the regulations, referred to in paragraph 3, must include:
    - jj. the provision that the endowed chair is under the supervision of a Board, consisting of at least three members, of which at least once member is part of the academic staff of the faculty concerned;
    - kk. the provision that the Board of the legal entity establishes an appointments committee, in which representatives of the University and/or the faculty concerned hold seats;
    - ll. the provision that the Board of the legal entity, with regard to the decision to appoint an endowed professor, first requests advice, via the Executive Board, from the representatives of the professors of the University, as referred to in Article 27, paragraph 5, in accordance with the procedure for appointment of professors of the University, before proceeding with the appointment;
    - mm. the provision that the Board, referred to in paragraph 2, must obtain permission from the Executive Board before appointing an endowed professor who does not hold a doctorate from a Dutch university;
    - nn. the provision that the Board, referred to in paragraph 2, provides the Executive Board with an annual report on the teaching provided during the past academic year.

### **ARTICLE 29      ADVICE**

The Executive Board will communicate the report referred to in Article 28, paragraph 4 under e to the dean of the faculty concerned, the Board for Doctorates and the representatives of the professors of the University, as referred to in Article 27, paragraph 5. The aforementioned parties can issue a recommendation to the Executive Board on the basis of the report.

## **SECTION 6      COOPERATION BETWEEN FACULTIES**

### **ARTICLE 30      SUBJECT OF COOPERATION; JOINT SCHEME**

1. The faculty board will immediately inform the Executive Board on all matters relating to cooperation – in connection with the implementation of faculty tasks – with another faculty or with other faculties of the University, or with one or more faculties of another university or universities, including the intention or the desire to enter into such cooperation.
  - oo. The cooperation referred to in the previous paragraph may relate to such matters as:
    - pp. the provision of education by a faculty within the framework of a degree programme of another faculty;
    - qq. the provision of all or part of a degree programme or scientific research by two or more faculties together;
  - rr. The agreements made within the framework of inter-faculty cooperation will be laid down in writing. For cooperation between faculties of two or more universities, the Executive Boards of the universities concerned will establish a joint scheme in accordance with the provisions of Section 8.1 of the WHW.

## **PART 6.1 PARTNERSHIPS FOR SCIENTIFIC AND SCHOLARLY PRACTICE**

### **ARTICLE 31 RESEARCH SCHOOLS AND RESEARCH INSTITUTES (SECTIONS 9.21 AND 9.23 OF THE WHW)**

1. Research institutes and research schools between two or more faculties within the University are established by executive and management regulations. These are contained in Annex 2 to these regulations. The Executive Board provides for the administration, the management and the organisation of these research institutes and research schools.

ss. Research institutes and research schools between two or more universities are established in agreement with the deans of the faculties concerned through a joint scheme. These are contained in Overview 1 pertaining to these regulations.

## **PART 6.2 OTHER PARTNERSHIPS**

### **ARTICLE 32**

The Executive Board may establish interfaculty alliances for educational or research themes to be determined by the Board. The Executive Board will arrange the administration, the management and the organisation of these alliances after consulting the deans concerned.

### **ARTICLE 33 RESEARCH PRIORITIES**

The university has research priorities. These are fields of research that receive special support from the Executive Board.

## **CHAPTER III MANAGEMENT**

### **SECTION 1 GENERAL PROVISIONS CONCERNING MANAGEMENT**

#### **ARTICLE 34 MANAGEMENT UNITS AND POWERS**

1. The faculties and the University Corporate Office referred to in Article 5 are designated as separate management units by the Executive Board.

2. The Executive Board puts the dean of the faculty, as an overall manager, in charge of the management of the faculty, in accordance with the applicable mandate regulations.

tt. The member of the Executive Board who heads the University Corporate Office as referred to in Article 5, is put in charge of this organisation by the Executive Board, in accordance with the applicable mandate regulations. The Administrator of the University Corporate Office is not an overall manager, but is charged exclusively with the management of this service.

uu. A sub-management unit is designated by the Executive Board on the nomination of the manager concerned.

vv. With due observance of Section 9.22, subsection 2 of the WHW, the Executive Board may designate a research institute or research school as a separate management unit.

ww. The managers are accountable to the Executive Board concerning the performance of their tasks. They will provide the Executive Board with the requested information.

xx. With the approval of the Executive Board, the managers may charge incumbents accountable to them with the management of a sub-management unit designated in accordance with paragraph 7 of this Article.

#### **ARTICLE 35**

The implementation of the management mandates granted, as referred to in Article 34, paragraphs 2 to 5, takes place in accordance with the relevant provisions of the General Administrative Law Act (Algemene wet bestuursrecht), the WHW and the TU Delft Mandate Regulations.

## **ARTICLE 36      GUIDELINES**

The Executive Board draws up guidelines and instructions for the managers with regard to the exercising of managerial powers.

## **CHAPTER IV      EMPLOYEE PARTICIPATION**

### **SECTION 1      UNIVERSITY LEVEL**

#### **ARTICLE 37      WORKS COUNCIL**

1. The University has a Works Council. The Works Council operates in accordance with the provisions of the Works Councils Act (Wet op de ondernemingsraden, WOR) and the Works Council Regulations referred to in Section 8 of this Act.
  - yy. The Executive Board provides administrative support to the Works Council.
  - zz. The Works Council draws up regulations under the terms of Section 8 of the WOR. Before adopting these regulations, the Works Council will give the Executive Board the opportunity to state its views.

#### **ARTICLE 38      STUDENT COUNCIL**

1. The University has a Student Council in accordance with the provisions of Section 9.30, subsection 3 of the WHW.
  - aaa. The Executive Board provides administrative support to the Student Council.
  - bbb. With due observance of the provisions of Section 9.34 of the WHW, the Executive Board draws up regulations for the Student Council. At the very least, these regulations determine the scope, the powers, the method of election and the term of office of this Council. The Executive Board will submit these regulations and any amendments thereto to the Student Council as a proposal and will adopt them only if the proposal has been approved by two-thirds of the members. The regulations must be approved by the Supervisory Board.

#### **ARTICLE 39      GENERAL ASSEMBLY OF COUNCILS**

1. The University has a General Assembly of Councils of which the members of the Works Council and the Student Council form a part.
  - ccc. With due observance of the provisions of Section 9.30a, subsection 3 of the WHW, the Executive Board draws up regulations for the General Assembly of Councils. At the very least, these regulations determine the powers and the way in which students and staff are given an equal say in the decision making in the General Assembly of Councils.
  - ddd. The Executive Board will submit these regulations and any amendments thereto to the General Assembly of Councils as a proposal and will adopt them only if the proposal has been approved by a two-thirds majority of the General Assembly of Councils.

### **SECTION 2      FACULTY LEVEL AND UNIVERSITY CENTRES**

#### **ARTICLE 40      EMPLOYEE PARTICIPATION**

1. The Works Council can make further arrangements concerning employee participation in the management units.
2. If the Works Council has established a Personnel Committee in a management unit, the manager will arrange the administrative support for that Committee.
3. The authority of the Personnel Committee to consult with the manager follows from Section 15, subsection 3 of the WOR and the related mandate of the Works Council.

#### **ARTICLE 41      STUDENT COUNCILS AT FACULTY LEVEL**

1. Every faculty has a Student Council. The Faculty of Technology, Policy and Management also has a users' council for the

service teaching provided by this faculty.

eee. The dean, as referred to in Article 19, provides administrative support to the Councils referred to in paragraph 1.

fff. The powers of the Student Councils at faculty level are specified in the faculty regulations. The powers of the users' council referred to in paragraph 1 are specified in the consultative charter established to this end.

## **CHAPTER V      LEGAL PROTECTION**

### **ARTICLE 42      JOINT FACILITY FOR LEGAL PROTECTION OF STUDENTS**

1. There is a joint facility for legal protection of students, as referred to in Section 7.59a of the WHW, under which a relevant party, as referred to in Section 7.59a, subsection 3 of the WHW can file a complaint, objection or appeal.
2. The joint facility is subdivided into the handling of complaints on the one side, and the handling of objections and appeals on the other.
3. Access to the facility is announced in the student charter and on the TU Delft website.
4. The way in which a complaint filed by a relevant party is handled is specified in Annex 3 to these regulations.
5. The way in which a disputes advisory committee provides advice, as referred to in Section 7.63a of the WHW, concerning an objection filed by a relevant party, is further specified in Annex 4 to these regulations.

### **ARTICLE 43      EXAMINATION APPEALS BOARD**

1. There is an Examination Appeals Board, as referred to in Section 7.60 of the WHW, which decides on an appeal filed by a relevant party, as referred to in Section 7.61, paragraph 1 of the WHW.
2. With the agreement of the Examination Appeals Board, the Examination Appeals Board establishes rules of procedure, as referred to in Section 7.62 of the WHW.

### **ARTICLE 43A      ADVISORY COMMITTEE ON OBJECTIONS BY EMPLOYEES AND THIRD PARTIES**

1. There is an advisory committee for the handling of objections submitted by employees and third parties.
2. The Executive Board will establish further rules on the composition and working methods of this advisory committee.

## **CHAPTER VI      CONFIDENTIALITY**

### **ARTICLE 44**

1. Concerning that which has been brought up in writing or verbally in a closed meeting or a closed part of a meeting of an administrative or representative body or committee of the University and its components, the members of these bodies and any non-members attending these meetings are subject to a duty of confidentiality.
2. The duty of confidentiality can only be lifted by a decision by the administrative or representative body or the committee concerned.

### **ARTICLE 45**

Those who, by virtue of their membership in an administrative or representative body or committee, have knowledge of matters relating to the administration or management of the University, which they know or could reasonably suspect to be confidential, are subject to a duty of confidentiality.

### **ARTICLE 46**

The duty of confidentiality does not end on ceasing to be a member of the body or the committee concerned.

## **CHAPTER VII FINAL AND TRANSITIONAL PROVISIONS**

### **ARTICLE 47 INTERNAL REGULATIONS**

The regulations, guidelines and directions previously established by the University Council or the Executive Board under or pursuant to the WHW or the Management Regulations of Delft University of Technology (Bestuursreglement Technische Universiteit Delft) or the General Administrative Regulations of TU Delft 1989 (Algemeen Beheersreglement TU Delft 1989), will remain unimpaired, provided that they are not in conflict with the provisions of the WHW or these regulations. These regulations, guidelines and directions are deemed to have been adopted by the Executive Board from the time at which they entered into force.

### **ARTICLE 48 ENTRY INTO FORCE**

These regulations and/or any amendments thereto will enter into force on the date on which approval is granted by the Supervisory Board, as referred to in Section 9.8, subsection 2 of the WHW.

### **ARTICLE 49 METHOD OF CITATION**

These regulations may be cited as “Executive and Management Regulations of Delft University of Technology” (“Bestuurs- en beheersreglement Technische Universiteit Delft”), abbreviated: “BBR-TU Delft”.

# Annex 1

## to Article 12, paragraph 6 of the Executive and Management Regulations of TU Delft

### **PROCEDURE FOR THE NOMINATION AND APPOINTMENT OF THE RECTOR MAGNIFICUS**

#### **ARTICLE 1**

The Supervisory Board appoints the Rector Magnificus on the nomination of the Executive Board.

#### **ARTICLE 2**

One year before the appointment or reappointment of the Rector Magnificus, the Executive Board will ask the representatives of the professors, as referred to in Article 27, paragraph 5 of the Executive and Management Regulations of Delft University of Technology to initiate the nomination procedure.

#### **ARTICLE 3**

The Supervisory Board will draw up a profile for the appointment of the Rector Magnificus, on the recommendation of the Executive Board, which will obtain advice on the matter from the representatives of the professors, as referred to in Article 2.

#### **ARTICLE 4**

The representatives of the professors, as referred to in Article 2, will find out whether the current Rector Magnificus is willing to be eligible for reappointment. If this is the case, the representatives of the professors, as referred to in the first sentence, will notify the Executive Board and provide the Board with its opinion on the reappointment. In the case of reappointment, Articles 5 and 6 do not apply.

If the current Rector Magnificus does not wish to be eligible for reappointment, the representatives of the professors, as referred to in the first sentence, will draw up a confidential longlist for the selection of three candidates, if possible, for an initial introductory interview.

#### **ARTICLE 5**

The representatives of the professors, as referred to in Article 2, will conduct exploratory interviews with the professors selected in Article 4, last sentence, in order to gain more insight into their suitability and their willingness to be candidates/hold the office of member of the Executive Board and Rector Magnificus.

#### **ARTICLE 6**

The representatives of the professors, as referred to in Article 2, will propose one or two candidates to the Executive Board in order of preference.

**ARTICLE 7**

The Executive Board will conduct interviews with the proposed candidates and will decide on the ultimate nomination for appointment by the Supervisory Board.

**ARTICLE 8**

The Executive Board will submit a reasoned nomination to the Supervisory Board.

**ARTICLE 9**

The procedure must be completed within such a time frame as to allow the appointment to take place in good time before the entry into office and the name of the Rector Magnificus-designate can be made public.

# Annex 2

## to Article 31, paragraph 1 of the Executive and Management Regulations of TU Delft

TU Delft has the following interfaculty research school:

the Delft Institute for Microsystems and Nano Electronics (DIMES) research school, established by amendment of the Executive and Management Regulations of TU Delft, originally between the Faculty of Electrical Engineering and the Faculty of Applied Physics, and currently between the Faculty of Electrical Engineering, Mathematics and Computer Science and the Faculty of Applied Sciences.

### OVERVIEW 1

pertaining to Article 31, paragraph 2 of the Executive and Management Regulations of TU Delft

TU Delft participates in the following research schools on the basis of agreements and joint schemes with other universities:

#### I. Research schools with TU Delft as the coordinating university

- a. the Research School for Fluid Mechanics, the J.M. Burgerscentrum (JMBC).
- b. the Research School Biotechnological Sciences Delft Leiden (BSDL).
- c. the Research School Centre for Technical Geoscience (CTG).
- d. the Research School Advanced School for Computing & Imaging (ASCI).
- e. the Research School Dutch Institute of Systems and Control (DISC).
- f. the Research School for Transport Infrastructure and Logistics (TRAIL).

#### II. Participation in research schools with another university as the coordinating university:

- a. the Research School Netherlands Institute for Catalysis Research (NIOK).
- b. the Research School for Process Technology (OSPT).
- c. the Research School Netherlands Graduate School of Urban and Regional Research (NETHUR).
- d. the Dutch Research School in Mathematics (WONDER).
- e. the Research School Vening Meinesz Research School of Geodynamics (VMSG).
- f. the Research School Netherlands Institute of Governance (NIG).
- g. the Research School for Engineering Mechanics (EM).
- h. the Research School National Dutch Graduate School for Polymer Science & Technology (PTN).
- i. the Research School for Information and Knowledge Systems (SIKS).
- j. the CASIMIR Research School for Physics.
- k. the Research School Institute for Programming research and Algorithmics (IPA).
- l. the Research School Netherlands Graduate School for Science, Technology and Modern Culture (WTMC).
- m. the Dutch Research School of Philosophy (OZSW).



# Annex 3

## TO THE TU DELFT EXECUTIVE AND MANAGEMENT REGULATIONS, Article 42, paragraph 4.

TU Delft Student Complaints Regulations

### **THE EXECUTIVE BOARD OF DELFT UNIVERSITY OF TECHNOLOGY**

Considers it desirable that rules should be laid down for the handling of complaints by students of Delft University of Technology;

and

Having regard to Section 7.59b of the Higher Education and Research Act and Section 9 of the General Administrative Law Act;

With the consent of the General Assembly of the Works Council and the Student Council (consultation meeting of 1 July 2010);

lays down the following rules:

### **I. COMPLAINT HANDLING IN GENERAL**

#### **ARTICLE 1** (definition)

In these regulations 'student' is defined as: a student, a prospective student, a former student, an external student, a prospective external student or a former external student of Delft University of Technology.

#### **ARTICLE 2** (scope)

These regulations do not apply to complaints as referred to in the Regulations for Complaints about Undesirable Behaviour and the Regulations on Academic Integrity.

#### **ARTICLE 3** (filing and handling)

1. A student may file a complaint with the Executive Board on the way in which an administrative body of or a person working under the responsibility of Delft University of Technology has acted towards him or another person in a particular matter.
2. The complaint will be coordinated by the component of the department charged with education and student affairs, which serves as the joint facility for legal protection for the handling of complaints.

3. Under the coordination of the component in question, the complaint will be handled by the dean of the student's degree programme or by the director of the department of the University Corporate Office to which the complaint applies.
4. If the nature of a written complaint is appropriate in the opinion of the department referred to in paragraph 2, the complaint will be forwarded to the Student Ombudsman for processing.

**ARTICLE 4** (verbal complaints)

The department referred to in Article 3, paragraph 2 is responsible for proper handling of verbal complaints.

**ARTICLE 5** (written complaints)

Written complaints are handled in accordance with Sections 9:4 to 9:12a of the General Administrative Law Act.

**CHAPTER II. THE STUDENT OMBUDSMAN**

**ARTICLE 6** (handling by Student Ombudsman)

1. If a student does not agree with the settlement of a written complaint, they may submit their complaint to the Student Ombudsman, who is the person charged with the handling of and advising on complaints as referred to in Section 9:14 of the General Administrative Law Act.
2. The handling of complaints in the second instance or of complaints in the first instance, as referred to in Article 3, paragraph 4, takes place in accordance with Sections 9:15 to 9:16 of the General Administrative Law Act.

**ARTICLE 7** (appointment and independence of Student Ombudsman)

1. The Student Ombudsman is appointed, suspended or dismissed by the Executive Board, after consulting a confidential committee from the Student Council.
2. Following consultation with the Student Ombudsman, a deputy may be appointed to take care of the Student Ombudsman's duties in his or her absence.
3. The Student Ombudsman investigates complaints independently of the Executive Board.
4. The Executive Board may only provide general instructions to the Ombudsman.

**ARTICLE 8** (powers and support of Student Ombudsman)

1. The Student Ombudsman is authorised to request any information from the administrative bodies and persons of the University or to request or access documents concerning a matter involving an investigation by the Student Ombudsman.
2. The administrative bodies and persons are obliged to comply with a request as referred to in paragraph 1 within the period indicated by the Student Ombudsman. If deemed necessary by the Student Ombudsman, the persons summoned must attend the hearing.
3. Administrative bodies may rule that information, which in the opinion of the administrative body is subject to confidentiality for serious reasons, may only be provided to the Student Ombudsman under the condition that the confidential nature thereof is maintained by the Student Ombudsman.
4. The Student Ombudsman will be provided with the means needed, within reason, to properly carry out the position.

**III. FINAL PROVISIONS**

**ARTICLE 9** (legal protection)

A student or a person, who has been involved in a complaints procedure as laid down in these regulations, will not be in any way disadvantaged in his position within the University as a result of being involved in a complaint, insofar as he has acted in good faith.

**ARTICLE 10** (repeal)

The Ombudsman Regulations for complaints by TU Delft students will be repealed.

**ARTICLE 11** (entry into force)

These regulations enter into force on 1 September 2010.

**ARTICLE 12** (official title)

The regulations will be referred to as the TU Delft Students Complaints Regulations.

These Regulations will be available for inspection at the Student Administration for two months from the date they enter into force. These Regulations shall also be published on the TU Delft website.

Notification of these regulations, their publication on the website and their availability for inspection will be given in Delta, the TU Delft weekly magazine.

Adopted at the meeting of the Executive Board on 10 August 2010 and approved by the Supervisory Board on 22 September 2010.

D.J. van den Berg,  
President

**ADDITIONAL INFORMATION****GENERAL**

The Improved Governance (Higher Education) Act of the WHW prescribes in Art. 7.59a of the that the Executive Board establishes an accessible facility, also referred to as a desk ('loket'), where students can file complaints, objections or appeals. The purpose of this is to make it easier for students to find the proper course of justice. If necessary, the desk will refer the student to the appropriate authority. The joint facility for legal protection of students, as the facility is called at TU Delft, is provided for in Article 42 of the Executive and Management Regulations (BBR). The desk will be implemented virtually, i.e. using digital options, with a distinction made between the handling of complaints and the handling of objections and appeals.

Up to now, complaints within TU Delft were handled by the Student Ombudsman while objections and appeals were handled in accordance with the General Administrative Law Act (Awb), and were already registered and handled centrally. Therefore, when designing the new desk, the focus was on the joint registration and handling of complaints, with Education and Student Affairs (E&SA) taking the lead. The WHW requires only that complaints must be handled in accordance with the Awb. Strictly speaking, a complaints procedure is not necessary, but the Executive Board considers this appropriate in order to better define the handling of complaints and to further specify the role of a Student Ombudsman in this respect. The complaints procedure attached as Annex 3 to the BBR. For the regulations for (the committee on) objections, please refer to Annex 4.

**COMPLAINT HANDLING**

The underlying principles of this procedure are: centralised coordination and registration of complaints, but in principle decentralised handling of a complaint, namely by or under the responsibility of the dean or the director concerned, if the complaint relates to the actions of the University Corporate Office. If it is unclear which department should handle a particular complaint, the coordinating body can settle the complaint itself with E&SA. After the complaint has been processed by the

TU Delft organisation itself, a student may turn to the Student Ombudsman, who will act as a second complaints body. There is one exception to the principle of decentralised processing: if the nature of the complaint is suitable, the complaint can be forwarded directly for handling by the Student Ombudsman. This could occur in the case of highly sensitive complaints affecting the entire university or a large section of it or multiple departments.

Recent experiences have shown that many complaints are simple in nature and can be resolved quickly, with handling by E&SA considered sufficiently independent. The independent handling of complaints is guaranteed by the fact that the Student Ombudsman can be engaged in the second instance, and sometimes even in the first instance. This process is described in Articles 3 and 6. For the procedural aspects of the settlement of written complaints, Article 5 refers to the Awb, in which Sections 9:4 to 9:12a indicate when a complaint does not have to be handled and which clearly describes aspects such as hearing the arguments of both parties. For verbal complaints, including those pursuant to the AWB, the only requirement is that they are handled properly (Art. 4). As described above, written complaints are subject to more procedural requirements. The Student Ombudsman only accepts written complaints.

### **DELINEATION**

The broad definition used in the WHW also applies in Article 1: complaints may also be filed by prospective and former students, as well as external students and prospective and former external students. The scope and the particular complaints procedures concerning undesirable behaviour and academic integrity are delineated in Article 2.

### **INDEPENDENCE OF STUDENT OMBUDSMAN**

The independence of the Student Ombudsman is guaranteed in Articles 7 and 8, which also cover the joint powers.

### **LEGAL PROTECTION OF COMPLAINANTS AND OTHERS**

Finally, to guarantee value-neutral handling of complaints, Article 9 stipulates that students, staff or other persons may not be put in a more disadvantageous position for having submitted a complaint, providing information on a complaint or being otherwise involved.

# ANNEX 4

## TO THE TU DELFT EXECUTIVE AND MANAGEMENT REGULATIONS, Article 42, paragraph 5

Regulations concerning the Central Objections Committee for TU Delft students

### **THE EXECUTIVE BOARD OF DELFT UNIVERSITY OF TECHNOLOGY**

Considers that, in accordance with Section 7.63a of the Higher Education and Research Act, a disputes advisory committee must be established, which provides advice on objections of students of Delft University of Technology;

and

with the consent of the General Assembly of the Works Council and the Student Council (consultation meeting of 1 July 2010);

lays down the following rules:

#### **ARTICLE 1** (establishment)

1. For the purpose of the decision pertaining to an objection, submitted by a student and concerning a decision made by the Executive Board in accordance with the Higher Education and Research Act, with the exception of a decision based on Section 6.71 of the said Act, the Executive Board will establish a disputes advisory committee, called the Central Objections Committee for TU Delft Students.
2. In these regulations 'student' is defined as: a student, a prospective student, a former student, an external student, a prospective external student or a former external student of Delft University of Technology.

#### **ARTICLE 2** (composition)

1. The Central Objections Committee consists of a chairman and a deputy chairman (who is also a member), and four members.
2. Advice on an objection is provided by three members, including the chairman or the deputy chairman.
3. Notwithstanding the provisions of Section 7:13, subsection 3, of the General Administrative Law Act, the hearing may be conducted by the chairman, the deputy chairman or a member who is not a member of and does not work under the responsibility of the Executive Board, in the unexpected absence of the chairman, the deputy chairman or one or more members on the date of the hearing.
4. The chairman, the deputy chairman and the members are appointed by the Executive Board for a maximum period of three

years and may be reappointed twice.

5. The deputy chairman has the powers of the chairman, as referred to in Articles 7 and 8.

#### **ARTICLE 3** (appointment requirements)

1. The chairman, the deputy chairman and the members must hold the title Master of Laws or have an equivalent level of professional and intellectual ability, obtained through relevant work experience in the in the field of student affairs.
2. The chairman and the deputy chairman must not be members of or work under the responsibility of the Executive Board.
3. The members must not be directly involved in the dispute and must not receive any assignments from the Executive Board concerning the dispute.

#### **ARTICLE 4** (dismissal)

1. The chairman, the deputy chairman and the members may be dismissed from the committee by the Executive Board, after having heard the person concerned, if he/she proves unsuitable or for other substantial reasons in the opinion of the Executive Board.
2. The chairman, the deputy chairman and the members may be dismissed from the committee at their own request at any time.

#### **ARTICLE 5** (secretary)

1. The Executive Board appoints a secretary or one or more deputy secretaries, who assist the committee.
2. The secretary and the deputy secretary are not members of the committee.

#### **ARTICLE 6** (remuneration)

Insofar as they are not employed by Delft University of Technology, the chairman, the deputy chairman and the members are entitled to appropriate remuneration as determined by the Executive Board.

#### **ARTICLE 7** (amicable settlement)

1. Within two weeks of receiving the objection, the committee will determine whether an amicable settlement can be reached between the student and the person who made the decision. The committee can transfer the attempt to reach an amicable settlement to the chairman or the secretary of the committee.
2. The person who has made the decision will investigate as soon as possible whether an amicable settlement can be reached. During the attempt to reach an amicable settlement, the decision on the objection will be adjourned in consultation with the parties concerned.
3. If it proves impossible to reach an amicable settlement, or if, in the opinion of the chairman of the committee, following the procedure to reach an amicable settlement would not lead to a result or would cause the interests of the appellant to be compromised disproportionately, the person who has made the decision must submit his/her position within a period stated by the committee.
4. If an amicable settlement has been reached, the handling of the objection by the committee will be discontinued. The committee will notify the student, the Executive Board and the dean of the faculty in which the student is enrolled of this in writing.

#### **ARTICLE 8** (urgent procedure)

1. When filing his/her objection, the student can indicate that it is a matter of immediate urgency and request an urgent procedure, as referred to in Section 7.63a, subsection 4 of the Higher Education and Research Act.
2. The chairman of the committee will determine whether it indeed concerns a matter of immediate urgency within one week after receiving the objection with the request. The chairman will notify the student and the Executive Board of this as soon

as possible. If the chairman rules that it is a matter of immediate urgency, the committee will issue its recommendation as soon as possible, such that the Executive Committee can make its decision within four weeks of receiving the objection.

#### **ARTICLE 9** (entry into force)

These regulations enter into force on 1 September 2010.

#### **ARTICLE 10** (official title)

The regulations will be referred to as the 'Regulations concerning the Central Objections Committee for TU Delft students'.

These regulations will be available for consultation at the student administration, joint facility for legal protection for two months following their entry into effect. These Regulations shall also be published on the TU Delft website.

Notification of these regulations, their publication on the website and their availability for inspection will be given in Delta, the TU Delft weekly magazine.

Adopted at the meeting of the Executive Board on 10 August 2010 and approved by the Supervisory Board on 22 September 2010.

D.J. van den Berg  
President

### **ADDITIONAL INFORMATION**

#### **GENERAL**

The Improved Governance (Higher Education) Act of the WHW prescribes in Art. 7.59a of the that the Executive Board establishes an accessible facility, also referred to as a desk ('loket'), where students can file complaints, objections or appeals. For an explanation of this, please see the general explanation on the TU Delft Student Complaint Regulations, Annex 3 to the BBR.

Compared to the current situation, not much is changing with regard to the handling of objections and appeals by students. Whereas there is currently one set of regulations for the objections committees for student affairs and employees/other affairs, it is necessary to draw up two sets of regulations due to the legal basis in the Higher Education and Research Act and the differences in procedure. Separate regulations will be drawn up for the advisory committee on objections by employees and others (see Article 43a of the BBR); once these regulations have been drawn up, the current regulations for the two committees will be repealed. A third set of regulations concerns that of the Examination Appeals Board (see Article 43 of the BBR), in which no amendments are required as a consequence of the amendment to the WHW.

Article 7.63a of the WHW prescribes a disputes advisory committee for objections filed by students - a so-called Article 7:13 AWB committee (General Administrative Law Act), like the current committee. As the WHW does not use the word 'disputes' as a distinguishing criterion, it has been decided to continue referring to the TU Delft advisory committee as the Objections Committee. The current regulations have been virtually taken over in these regulations, while including new elements from the WHW, which sometimes deviate from the Awb:

- The WHW prescribes that the members of the committee must be functionally independent, which, according to the Explanatory Memorandum, means that the members may not accept any assignments from the Executive Board and may not be directly involved in the dispute. Although this was not explicitly prescribed, this rule was already followed in practice

and the members of the Objections Committee were recruited from outside the TU Delft staff as much as possible.

- The attempt to reach an amicable settlement, see Article 7.

- The inclusion of an urgent procedure, see Article 8.

The decision period also deviates from that of the Awb: 10 weeks instead of 14 weeks, in addition to which adjournment of this period is not possible and the period commences on the date of receipt of the objection, whereas under the recently amended Awb the decision period runs from the end of the period for raising objections.

Insofar as matters are arranged in the Awb itself, they are not repeated in these regulations. Please refer to Section 7:13 of the Awb for the powers of the committee, such as the power not to hear, or to refer the hearing to the chairman or to a single member, in the case of manifestly inadmissible or manifestly unfounded objections. These regulations arrange matters of an organisational nature, such as the composition of the committees, the method of appointment, support and remuneration.

## **ARTICLE BY ARTICLE**

### **ARTICLE 1**

The competence of the committee on student affairs is based on Article 7.63a, subsection 2 of the WHW: it concerns decisions made in accordance with the WHW with the exception of decisions mentioned in Article 7:61 of the WHW, which are associated with the competence of the Examination Appeals Board. If a student invokes another act, such as the Government Information (Public Access) Act, his objection will be handled by the other committee (employees and other affairs).

The broad definition from the WHW is used for the definition of student: prospective and former students, as well as external, prospective and former external students, may also file objections.

### **ARTICLE 2**

The choice has been made for 'double staffing' of the committee with six members. Advice on each objection is issued by three members, including the chairman or deputy chairman. In principle, the hearing will also be conducted by these three members, but a provision has been made in paragraph 3 to enable a scheduled hearing to proceed if one or more members are unexpectedly absent. Section 7:13 of the permits the hearing to be conducted by a single independent member.

### **ARTICLE 3**

Paragraph 3 emphasises the independence of the committee members in accordance with the intention of the legislature. The full independence of the chairman or deputy chairman is in keeping with Section 7:13 of the Awb.

### **ARTICLE 7**

As indicated above, the WHW prescribes the attempt to reach an amicable settlement. The procedure to be followed is based on the Regulations of the TU Delft Examination Appeals Board.

### **ARTICLE 8**

The urgent procedure is an elaboration of the provisions of Article 7.63a, paragraph 4 of the WHW.



# Annex 6

## TU Delft Regulations for Complaints Concerning Undesirable Behaviour

Based on its general responsibility for health, safety and welfare in relation to the work and study activities at the university, the Executive Board does not consider it desirable that students, staff members or other users of or visitors to the university campus exhibit undesirable behaviour as described in these regulations. The Executive Board has therefore laid down these regulations in order to combat such behaviour.

### I. GENERAL

#### ARTICLE 1 (definitions)

1. The following terms are to be defined thus:
  - a. complainant: the person referred to in Article 3, who turns to the confidential advisor or the complaints committee with a complaint about undesirable behaviour;
  - b. accused: the person referred to in Article 3, who is accused of undesirable behaviour;
  - c. confidential advisor: the person referred to in Article 4;
  - d. committee: the complaints committee referred to in Article 11;
  - e. employee: person who is employed by TU Delft or who otherwise performs academic work on behalf of the university;
  - f. student: a person who is registered as such at TU Delft;
  - g. code of conduct: the code of conduct regarding intimidation, sexual harassment, aggression, violence and discrimination, as recommended by the parties to the Collective Labour Agreement of 2 February 2000 (VSNU/WG/00.0165U).
2. Undesirable behaviour is defined in the scope of this regulation as behaviour exhibited by an employee or student that is related to work or study at TU Delft and that causes psychological or physical harm to another employee or student and that could be regarded in a societal and objective sense as inappropriate, annoying, harassing, threatening or unacceptable, including and as specified in the code of conduct:
  - intimidation or sexual harassment
  - discrimination
  - aggression and violence
  - threats
  - bullying
  - gossip.

#### ARTICLE 2 (code of conduct)

1. The code of conduct, taken together with this regulation, is the code of conduct for TU Delft in accordance with Article 1.12, paragraph 3 of the Collective Labour Agreement.
2. Employees and students shall refrain from engaging in undesirable behaviour and shall adhere to the code of conduct.

#### ARTICLE 3 (general)

Anyone who experiences undesirable behaviour from an employee or student in a work or study situation at the university may turn to a confidential advisor or the complaints committee.

## II. THE CONFIDENTIAL ADVISOR FOR UNDESIRABLE BEHAVIOUR

### ARTICLE 4 (appointment)

The Executive Board shall appoint one or more confidential advisors for undesirable behaviour from among the staff of the university. Complainants may turn to these individuals. Appointments are for three years with the possibility of renewal.

### ARTICLE 5 (duties)

The confidential advisor's duties include:

- counselling and advising complainants who contact him;
- attempting to resolve complaints through intervention, if necessary by appointing a mediator;
- assisting complainants in submitting complaints to the complaints committee, if requested to do so.

### ARTICLE 6 (accountability)

The confidential advisor is accountable to the Executive Board for the execution of his/her duties.

### ARTICLE 7 (confidential file)

The confidential advisor shall keep a file on each complaint for their own use and for reporting purposes as referred to in Article 8. The confidential advisor shall divulge no information from the file other than with the express consent of the complainant. The file shall be destroyed two years after conclusion of the complaints procedure.

### ARTICLE 8 (report)

The confidential advisor shall report annually to the Executive Board on the number and nature of the reported complaints, and how they have been dealt with.

### ARTICLE 9 (facilities)

1. Confidential advisors perform their duties in addition to their regular work. Confidential advisors shall confer with their supervisors on the coordination of their tasks. The Executive Board shall ensure a reasonable balance between regular duties and the tasks required of the confidential advisor.
2. The Executive Board shall ensure that confidential advisors have sufficient means to do their duties properly, including fulfilling the requirements of confidentiality.
3. The Executive Board shall ensure that students and employees are aware of the purpose of the confidential advisors and how to reach them.

### ARTICLE 10 (dismissal from office)

1. The confidential advisor may be dismissed from office if, after a formal hearing, he is shown to be clearly unsuitable for the position, if he has acted beyond his remit, or if the Executive Board has other compelling reasons for removing him from office.
2. The confidential advisor may be relieved of his duties at any time at his own request.

## III. COMPLAINTS COMMITTEE

### ARTICLE 11 (appointment)

1. The committee advises and rules on complaints about undesirable behaviour as referred to in this regulation.
2. The committee is composed of a chairman and a deputy chairman, both of whom are members of the committee, two staff members and two students. At least one of the members and at least one of the student members shall be a woman. At

least one member shall have a law degree.

3. Advice on a complaint will be given by three members, including the chairman or deputy chairman, and at least one women. If the complaint involves a student, then a student member will also sit on the complaints committee for the case in question.
4. The hearing may be conducted by the chairman or deputy chairman or a member who is not a member of the Executive Board nor who works under the auspices of the Executive Board, if the chairman, deputy chairman or one or more members is at the last minute unable to be present on the date of the hearing.
5. The chairman, deputy chairman, and the members are appointed by the Executive Board for a period of no more than three years after which time they may be reappointed.
6. Members of the Executive Board, the Supervisory Board, the faculty deans, the departmental directors, education and research institute directors, service department directors, and confidential advisors may not be appointed.

#### **ARTICLE 12** (appointment requirements)

The chairman and deputy chairman may not be employed by or study at TU Delft.

#### **ARTICLE 13** (dismissal)

1. The chairman, deputy chairman and members may be dismissed from the committee by the Executive Board after a hearing if they are shown to be unsuitable for the position, or if the Executive Board has other compelling reasons for removing them from office.
2. The chairman, deputy chairman and members may be discharged from the committee at any time at their own request.

#### **ARTICLE 14** (secretary)

1. The Executive Board appoints a secretary and one or more deputy secretaries, who assist the committee.
2. The secretary and deputy secretary shall not be members of the committee.

#### **ARTICLE 15** (remuneration)

The chairman, deputy chairman and members have the right to appropriate remuneration, to be determined by the Executive Board, if they are not employed by TU Delft.

#### **ARTICLE 16** (duties of the committee)

1. The committee takes cognisance of complaints as referred to in Article 3.
2. The committee advises the Executive Board on the admissibility of complaints.
3. The committee advises the Executive Board on the merits of complaints it has dealt with and any disciplinary or other action taken accordingly.
4. The committee reaches its judgements independently.
5. The committee submits an annual report on its activities to the Executive Board.
6. The members and deputy members of the committee and the secretary shall maintain confidentiality in all matters related to the complaints procedure.

#### **ARTICLE 17** (powers of the committee)

1. The committee is authorised to obtain information from all university bodies and employees. The committee may view all documentation and correspondence it deems necessary for assessing a complaint.
2. The committee may consult experts, from inside or outside the university. Reports shall be written on these consultations.
3. The committee shall keep a file on all the complaints it deals with. No information in the file that was disclosed in confidence will be shared except with consent of the parties concerned.

**ARTICLE 18** (employee cooperation and confidentiality)

1. All individuals are required to cooperate with the committee within a reasonable period of time set by the committee to a degree that can reasonably be expected for the committee to properly exercise its powers.
2. All individuals who are involved in a complaints procedure shall maintain strict confidentiality regarding any information they come into contact with during the procedure.

**IV. COMPLAINTS PROCEDURE**

**ARTICLE 19** (admissibility requirements)

1. The committee shall address complaints that meet the following requirements:
  - a. the complaint must be submitted in writing;
  - b. the written complaint must be signed and include at least:
    - the name and address of the person submitting the complaint;
    - the date;
    - a clear description of the undesirable behaviour.
2. If the complaint is submitted in a foreign language and the committee requires a translation in order to be able deal with complaint effectively, then the complainant must provide one.

**ARTICLE 20** (processing the complaint)

1. The Committee shall acknowledge receipt of the written complaint, indicating that the committee will advise the Executive Board. The committee shall advise the Executive Board, the accused and the Dean of the faculty or director where the accused is employed or studies of the complaint.
2. If any of the requirements in Article 19 are not met, the Executive Board will not be able to address the complaint upon the advice of the committee, as long as the complainant has been given the opportunity to correct the omission within a pre-determined time.
3. After being advised by the committee, the Executive Board may rule that the complaint cannot be addressed if:
  - the complaint relates to behaviour that has already been the subject of a complaint that has been addressed by the Executive Board;
  - the complaint relates to behaviour that took place more than five years before the complaint was filed;
  - if the nature of the alleged undesirable behaviour is clearly not very serious.
4. The committee (or the Executive Board in the case of rulings in accordance with the second and third paragraph) shall inform the complainant whether the complaint will be addressed as soon as possible, but no later than four weeks after receipt of the complaint, or after any omissions have been rectified or at the conclusion of the period referred to in the second paragraph. The accused and the Dean of the faculty or director where the accused is employed or studies shall also be notified.
5. If the complaint concerns a member of the Executive Board, the Supervisory Board will take the place of the Executive Board with regard to the rulings as referred to in the second and third paragraphs.
6. If the complaint is admitted by the committee, then a copy of the written complaint and the related documents will be sent to the accused.
7. The complaint shall be handled only by committee members who are not involved in any way with any aspect of the factual circumstances of the complaint.

**ARTICLE 21** (amicable settlement)

1. The committee, after consultation with the parties involved, may attempt to ascertain whether an amicable settlement is possible.

2. If an amicable settlement is reached, then the committee shall immediately terminate the complaints procedure. The complainant, the accused, the Executive Board and the Dean of the faculty or director where the accused is employed or studies shall also be notified by the committee.

**ARTICLE 22** (withdrawal)

1. The complaint may be withdrawn at any time.
2. If the complaint is withdrawn, the committee shall immediately terminate the complaints procedure. The accused, the Executive Board and the Dean of the faculty or director where the accused is employed or studies shall also be notified by the committee.

**ARTICLE 23** (concession)

As soon as the accused has responded to the complaint to the complainant's satisfaction, the committee shall immediately terminate the complaints procedure. The complainant, the accused, the Executive Board and the Dean of the faculty or director where the accused is employed or studies shall also be notified of this by the committee.

**ARTICLE 24** (hearings)

1. The committee shall give the parties involved a hearing. In any event, the committee provides both complainant and the accused with the opportunity of a hearing.
2. The hearing may be waived if the complaint is manifestly unfounded or if the complainant or the accused have stated their wish not to exercise the right to a hearing.
3. Hearings shall be held individually and in person. In certain special circumstances the committee may decide that the complainant and the accused will be heard in each other's presence.
4. Hearings shall not be held in public.
5. Reports of hearings are produced.
6. Each party has the right to be apprised of any proceedings held in their absence.

**ARTICLE 25** (reporting to the Executive Board)

1. The committee shall, within ten weeks of receiving the written complaint, send a report to the Executive Board detailing its findings in respect to the complaint. The report will be accompanied by advice and any recommendations, along with a report of the hearings.
2. The period shall be suspended from the date on which the complainant is requested to correct any omission as referred to in Article 20, second paragraph, until the day on which the omission has been corrected or the specified period has elapsed.
3. The committee shall report on the merits of the complaint and offer advice on any disciplinary or other action to be taken.

**ARTICLE 26** (ruling by the Executive Board)

1. Within four weeks of receiving the committee's report, the Executive Board shall rule on the complaint and any disciplinary or other measures to be taken. The Executive Board shall inform the complainant, the accused, the committee and the Dean of the faculty or the director where the accused is employed or studies of the ruling in writing. A copy of the committee's report shall be included.
2. If the ruling of the Executive Board differs from the advice of the committee, then the ruling will contain an explanation for this.
3. If the complaint concerns a member of the Executive Board, then the Supervisory Board shall take the place of the Executive Board with regard to the ruling as referred to in the first paragraph.

## V. FINAL PROVISIONS

### **ARTICLE 27** (legal protection)

A student or a confidential advisor who has been involved in a complaints procedure as laid down in these regulations, will not be in any way disadvantaged in his position within the university as a result of being involved in a complaint, insofar as he has acted in good faith.

### **ARTICLE 28** (revocation)

The TU Delft Regulations for complaints about undesirable behaviour is revoked.

### **ARTICLE 29** (entry into force)

These Regulations enter into force from the first day following the date on which the President of the Executive Board signs these Regulations.

### **ARTICLE 30** (official title)

These Regulations shall be referred to as the TU Delft Regulations for Complaints Concerning Undesirable behaviour.

## EXPLANATORY NOTES

### GENERAL

#### BACKGROUND

The TU Delft Regulations for Complaints Concerning Undesirable Behaviour came into effect on 1 September 2001. A Confidential Advisor Protocol has been added to the regulations. The value of the regulations has been established time and again: many employees and students have turned to the confidential advisors, making them an invaluable part of the TU Delft community. Complaints have been filed and processed sporadically in recent years. The Executive Board fully agrees with the need for, and the objectives of, regulations on undesirable behaviour (as expressed in the Collective Labour Agreement for Dutch Universities), but acknowledges that the current regulations need to be updated.

#### COLLECTIVE LABOUR AGREEMENT AND WORKING CONDITIONS ACT

Article 1.12 of the Collective Labour Agreement for Dutch Universities of 1 September 2007 to 1 March 1 2010 expresses the objective of eliminating undesirable behaviour. The definition of undesirable behaviour includes the following: sexual or other forms of intimidation, aggression, violence, and discrimination. To implement this objective, employers are obliged to appoint a confidential advisor as the first line of defence in the case of undesirable behaviour. Furthermore, the employer must establish a code of conduct to combat undesirable behaviour, as recommended by all the parties to the Collective Labour Agreement. This recommendation is from 2000, and has been designated as the applicable code of conduct for TU Delft by the Executive Board (see Article 2).

In a 2007 amendment to the Working Conditions Act, Article 3, paragraph 2, employers are required to implement policies aimed at preventing or limiting the psychosocial burden on employees, including exposure to undesirable behaviour that may cause stress. Article 1.12 of the Collective Labour Agreement for Dutch Universities and the TU Delft Regulations for Complaints Concerning Undesirable Behaviour may be seen as putting Article 3, paragraph 2 of the Act into action. Neither the act nor the Collective Labour Agreement require the establishment of a complaints procedure but it can be regarded, in addition to the establishment of a code of conduct and the appointment of a confidential advisor, as one of the measures that an employer can take to combat undesirable behaviour.

Both the old and the new regulations apply to students - not only because the Working Conditions Act has a broader scope than just employees, but also because the Executive Board is committed to combating undesirable behaviour among employees and students alike.

## COMPARISON OF THE OLD AND NEW REGULATIONS

The Regulations for complaints about undesirable behaviour contained some less than desirable elements:

Its scope extended beyond the TU Delft community: they also applied to visitors to or users (e.g. third parties who perform work on campus) on the grounds of TU Delft. The jurisdiction of the Executive Board does not allow it to deal with complaints against third parties, however. Obviously, visitors and users must also conduct themselves appropriately on TU Delft property, but this must be ensured by other means, such as contractually.

The composition of the advisory board (complaints committee) was cumbersome: a case had to be handled by five people, representing various groups. Under the new regulation, cases are dealt with by five people, including at least one woman and, if a student is involved in the complaint, one student.

The way in which the work of the confidential advisor and the committee was coordinated was unclear. The new regulations are far more explicit about the confidential advisor's function as the first point of contact.

The complaints regulations were not written with the General Administrative Law Act (AWB) the TU Delft Regulations on Academic Integrity in mind.

Other than being an improvement on the points mentioned above, new elements in the amended regulations include:

A norm or code of conduct as prescribed by the Collective Labour Agreement for Dutch Universities. This refers to the little-known recommendations for a code of conduct by parties to the collective labour agreement in 2000. The new regulations include the norm-complaint-penalty trio, as is the case with the Regulation on Academic Integrity.

The two regulations have been made as uniform as possible.

The regulations are in fact completely new, giving rise to the need to change the title: Regulations for complaints concerning undesirable behaviour.

As it largely concerns a complaints procedure, the approval of the Works Councils was required in accordance with Article 27, paragraph 1, part j, of the Works Councils Act.

## ARTICLE BY ARTICLE

### Articles 1-3: general, scope

With regard to the code of conduct, the definition of terms refers to the 2000 code of conduct as recommended by the parties to the collective labour agreement (VSNU publication). This code of conduct is more explicit about the definition of undesirable behaviour, which is described in Article 1, second paragraph. The VSNU code of conduct serves as the code of conduct for TU Delft employees, and students are expected to adhere to it as well (Article 2).

The scope of the regulations is restricted to employees in their capacity as employees and students in their capacity as students (Article 1, paragraph 2, and Article 3). The concept of 'employee' covers more than just those who have a position of employment at the university: those who work on a different basis for TU Delft, such as guest lecturers, retired professors or fellows, are also subject to the provisions of the regulations. These individuals will generally have a courtesy privileges declaration (also known as a hospitality declaration), which is a good indicator for whether someone is covered by the regulations. Student conduct that is not study related (such as in student accommodation) is not covered by these regulations. Any employee or student who is confronted by undesirable behaviour may turn to a confidential advisor or the complaints committee. The confidential advisor does not necessarily have to be the first point of contact. However, it is certainly helpful if people turn to the confidential advisor first, and experience has shown that this tends to be the case.

### Articles 4-12: the confidential advisor

The confidential advisor is appointed by the Executive Board, is accountable to the Executive Board, and may be removed from office by the Executive Board (Articles 4, 6, 8 and 10). The confidential advisor enjoys legal protection (see Article 27) and is provided with all necessary facilities for executing his/her duties (see Article 9).

The confidential advisor is the first point of contact for the complainant if the complainant feels that he/she has been the victim of undesirable behaviour. The confidential advisor may assist the complainant, contact a mediator if necessary and help the complainant to submit a formal complaint to the complaints committee. The confidential advisor's role does not extend to mediating between employee/student and supervisor/faculty (Article 5). The confidential advisor keeps a file on the complaint for his/her own use. Information from this file is provided to others only with the express consent of the complainant (Article 7).

#### **Articles 11-18: the complaints committee**

The complaints procedure is consistent with the provisions of Section 9 of the General Administrative Law Act and the Academic Integrity Regulations of TU Delft. The explanatory notes below are taken from the notes on the latter regulations.

#### **ARTICLES 11 AND 12**

The complaints committee for undesirable behaviour consists of six members, including the chairman and deputy chairman and two student members. Some of the committee members should be women, given the nature of the issues the committee deals with. Cases are handled and recommendations made by three members, including the chairman or deputy chairman and at least one female member. If the complaint involves a student as the complainant or the accused, then one of the three members of the investigating committee shall be a student. One of the members must have a law degree.

The committee's independence is assured by the provision that the chairman and deputy chairman may not be employed by TU Delft nor may they be students at the university (Article 12). Furthermore, investigating members may not be, or have been, involved in the alleged undesirable behaviour. The committee's independence is also assured by Article 16, paragraph 4, which prohibits the Executive Board from interfering in a complaints procedure in any way whatsoever.

#### **ARTICLE 16 PARAGRAPH 5**

The report must contain the number and nature of complaints and a description of how they were processed. The report may also contain recommendations for preventing undesirable behaviour. The annual report is made public, although all names are anonymised.

#### **ARTICLE 17**

The committee is authorised to gather information from anywhere in the university. Individuals are obliged to cooperate with the committee (Article 18).

The committee is authorised to remove privacy-sensitive data, either at the request of the complainant or otherwise, as long as this does not compromise the right of the accused to a fair hearing. Complaints may only be anonymised if the right to a fair hearing is not violated. The retention of records is subject to the Personal Data Protection Act.

#### **ARTICLE 18**

The obligation to lend cooperation ensures that the committee can make effective use of its powers to gather information. It is important to ensure confidentiality in these sensitive complaints procedures (see Article 17, paragraph 3 for the committee members).

#### **Articles 19-26: the complaints procedure**

#### **ARTICLES 19 AND 20, PARAGRAPHS 2 AND 3, ARTICLES 24 AND 25 PARAGRAPH 1, AND ARTICLE 26 PARAGRAPH 1**

Complaints are always submitted to the committee, which first forms an opinion on their admissibility.

If the written complaint does not indicate the occurrence of undesirable behaviour within the university community (see Article 3) or if it does not fulfil the requirements set out in Article 19 or if there is a situation as referred to in Article 20, paragraph 3,



then the Executive Board may rule that the complaint is inadmissible. The committee provides the Executive Board with a recommendation on admissibility. A complaint shall not be considered to be a repeated complaint as referred to in Article 20, paragraph 3a, if there are new facts and circumstances that shed new light on the earlier complaint.

The committee shall subject the complaint to a substantive review only if the complaint is admissible. The committee shall consider whether the complaint does in fact concern undesirable behaviour. In order to determine this, hearings will be required. If, however, the written complaint itself clearly shows that the petitioner's complaint is unfounded and there is no reasonable doubt to that conclusion, then no hearing shall be required. This also applies if the complainant or the accused has waived his/her right to a hearing. The committee advises the Executive Board on the merits of a complaint and any disciplinary or other action to be taken pursuant to the complaint. The Executive Board shall issue a ruling on the complaint within four weeks. The entire procedure may take up to 14 weeks, corresponding to the provisions of the AWB (ten weeks, with possibility of an adjournment of four weeks). The maximum duration of the procedure in the Academic Integrity regulation of TU Delft is two weeks longer because of the nature of the complaints in that regulation.

#### **ARTICLES 21, 22 AND 23**

The complaints procedure may be stopped at any time if a solution is found that is satisfactory to the complainant. This provides for a quick and informal way of handling complaints. The complainant's opinion is decisive, but the committee or the Executive Board may take the initiative. The satisfaction of the complainant may be made known informally and is not bound by any procedural rules. In case of doubt, it is recommended that the complainant be requested to provide written confirmation of his satisfaction and withdrawal of the complaint. If the complaint is withdrawn, then the complaints procedure will be terminated.

#### **ARTICLE 24 PARAGRAPH 2**

The complainant may waive his/her right to a hearing in writing or orally (including by telephone). If the complainant is otherwise satisfied, then the procedure may be terminated using Article 23. A hearing is required if there are doubts about the motives of the complainant.

#### **ARTICLE 24, PARAGRAPHS 3, 4 AND 6**

Hearings shall be confidential and the parties are not normally heard in each other's presence. However, parties will be informed of the issues that the other party has raised, so they can then respond (principle of fair hearing).

#### **ARTICLE 24 PARAGRAPH 5**

The report must contain an outline of the main points dealt with during the hearing; the report is sent with details of the committee's findings (Article 25).

#### **ARTICLE 26 PARAGRAPH 1**

The Executive Board shall specify whether the complaint is well-founded or not.

Various disciplinary or other measures may be imposed if the accused is found guilty of undesirable behaviour. These measures are subject to public servants and employment law that cover the employer-employee relationship between the university on the one hand and its employees on the other, or based on the provisions that apply between the student and the university, as the case may be. Any measures to be imposed must therefore be in compliance with this law. This means that appeals and objections may be lodged against the conclusions of complaints procedures involving employees or students. Objections may not be submitted against rulings on complaints themselves. Other complaints procedures may be available, such as by contacting the National Ombudsman, if any of the parties is not satisfied with the way the complaint has been handled by the Executive Board. When issuing its ruling, the Executive Board will inform the parties about other existing procedural options.

## **ARTICLE 27**

This article provides assurances for the complainants and confidential advisors: submitting or being involved in a complaint shall not impair their legal position at TU Delft.

# Annex 7

## TU Delft Student Complaints Regulations (Annex 3 to the TU Delft Executive and Management Regulations, Art. 42, para 4)

### I. COMPLAINT HANDLING IN GENERAL

#### ARTICLE 1 (definition)

In these regulations 'student' is defined as: a student, a prospective student, a former student, an external student, a prospective external student or a former external student of Delft University of Technology.

#### ARTICLE 2 (scope)

These regulations do not apply to complaints as referred to in the Regulations for Complaints about Undesirable Behaviour and the Regulations on Academic Integrity.

#### ARTICLE 3 (filing and handling)

1. A student may file a complaint with the Executive Board on the way in which an administrative body of or a person working under the responsibility of Delft University of Technology has acted towards him or another person in a particular matter.
2. The complaint will be coordinated by the component of the department charged with education and student affairs, which serves as the joint facility for legal protection for the handling of complaints.
3. Under the coordination of the component in question, the complaint will be handled by the dean of the student's degree programme or by the director of the department of the University Corporate Office to which the complaint applies.
4. If the nature of a written complaint is appropriate in the opinion of the department referred to in paragraph 2, the complaint will be forwarded to the Student Ombudsman for processing.

#### ARTICLE 4 (verbal complaints)

The department referred to in Article 3, paragraph 2 is responsible for proper handling of verbal complaints.

#### ARTICLE 5 (written complaints)

Written complaints are handled in accordance with Sections 9:4 to 9:12a of the General Administrative Law Act.

### II. THE STUDENT OMBUDSMAN

#### ARTICLE 6 (handling by Student Ombudsman)

1. If a student does not agree with the settlement of a written complaint, they may submit their complaint to the Student

Ombudsman, who is the person charged with the handling of and advising on complaints as referred to in Section 9:14 of the General Administrative Law Act.

2. The handling of complaints in the second instance or of complaints in the first instance, as referred to in Article 3, paragraph 4, takes place in accordance with Sections 9:15 to 9:16 of the General Administrative Law Act.

#### **ARTICLE 7** (appointment and independence of Student Ombudsman)

1. The Student Ombudsman is appointed, suspended or dismissed by the Executive Board, after consulting a confidential committee from the Student Council.
2. Following consultation with the Student Ombudsman, a deputy may be appointed to take care of the Student Ombudsman's duties in his or her absence.
3. The Student Ombudsman investigates complaints independently of the Executive Board.
4. The Executive Board may only provide general instructions to the Ombudsman.

#### **ARTICLE 8** (powers and support of Student Ombudsman)

1. The Student Ombudsman is authorised to request any information from the administrative bodies and persons of the University or to request or access documents concerning a matter involving an investigation by the Student Ombudsman.
2. The administrative bodies and persons are obliged to comply with a request as referred to in paragraph 1 within the period indicated by the Student Ombudsman. If deemed necessary by the Student Ombudsman, the persons summoned must attend the hearing.
3. Administrative bodies may rule that information, which in the opinion of the administrative body is subject to confidentiality for serious reasons, may only be provided to the Student Ombudsman under the condition that the confidential nature thereof is maintained by the Student Ombudsman.
4. The Student Ombudsman will be provided with the means needed, within reason, to properly carry out the position.

### **III. FINAL PROVISIONS**

#### **ARTICLE 9** (legal protection)

A student or a person, who has been involved in a complaints procedure as laid down in these regulations, will not be in any way disadvantaged in his position within the University as a result of being involved in a complaint, insofar as he has acted in good faith.

#### **ARTICLE 10** (repeal)

The Ombudsman Regulations for complaints by TU Delft students will be repealed.

#### **ARTICLE 11** (entry into force)

These regulations enter into force on 1 September 2010.

#### **ARTICLE 12** (official title)

The regulations will be referred to as the TU Delft Students Complaints Regulations.

## **EXPLANATORY NOTES**

### **GENERAL**

The Improved Governance (Higher Education) Act of the WHW prescribes in Art. 7.59a of the that the Executive Board establishes an accessible facility, also referred to as a desk ('loket'), where students can file complaints, objections or appeals. The purpose of this is to make it easier for students to find the proper course of justice. If necessary, the desk will refer the student to the appropriate authority. The joint facility for legal protection of students, as the facility is called at TU Delft, is provided for in Article 42 of the Executive and Management Regulations (BBR). The desk will be implemented virtually, i.e. using digital options, with a distinction made between the handling of complaints and the handling of objections and appeals.

Up to now, complaints within TU Delft were handled by the Student Ombudsman while objections and appeals were handled in accordance with the General Administrative Law Act (Awb), and were already registered and handled centrally. Therefore, when designing the new desk, the focus was on the joint registration and handling of complaints, with Education and Student Affairs (E&SA) taking the lead. The WHW requires only that complaints must be handled in accordance with the Awb. Strictly speaking, a complaints procedure is not necessary, but the Executive Board considers this appropriate in order to better define the handling of complaints and to further specify the role of a Student Ombudsman in this respect. The complaints procedure attached as Annex 3 to the BBR. For the regulations for (the committee on) objections, please refer to Annex 4.

### **COMPLAINT HANDLING**

The underlying principles of this procedure are: centralised coordination and registration of complaints, but in principle decentralised handling of a complaint, namely by or under the responsibility of the dean or the director concerned, if the complaint relates to the actions of the University Corporate Office. If it is unclear which department should handle a particular complaint, the coordinating body can settle the complaint itself with E&SA. After the complaint has been processed by the TU Delft organisation itself, a student may turn to the Student Ombudsman, who will act as a second complaints body. There is one exception to the principle of decentralised processing: if the nature of the complaint is suitable, the complaint can be forwarded directly for handling by the Student Ombudsman. This could occur in the case of highly sensitive complaints affecting the entire university or a large section of it or multiple departments.

Recent experiences have shown that many complaints are simple in nature and can be resolved quickly, with handling by E&SA considered sufficiently independent. The independent handling of complaints is guaranteed by the fact that the Student Ombudsman can be engaged in the second instance, and sometimes even in the first instance. This process is described in Articles 3 and 6. For the procedural aspects of the settlement of written complaints, Article 5 refers to the Awb, in which Sections 9:4 to 9:12a indicate when a complaint does not have to be handled and which clearly describes aspects such as hearing the arguments of both parties. For verbal complaints, including those pursuant to the AWB, the only requirement is that they are handled properly (Art. 4). As described above, written complaints are subject to more procedural requirements. The Student Ombudsman only accepts written complaints.

### **DELINEATION**

The broad definition used in the WHW also applies in Article 1: complaints may also be filed by prospective and former students, as well as external students and prospective and former external students. The scope and the particular complaints procedures concerning undesirable behaviour and academic integrity are delineated in Article 2.

### **INDEPENDENCE OF STUDENT OMBUDSMAN**

The independence of the Student Ombudsman is guaranteed in Articles 7 and 8, which also cover the joint powers.

### **LEGAL PROTECTION OF COMPLAINANTS AND OTHERS**

Finally, to guarantee value-neutral handling of complaints, Article 9 stipulates that students, staff or other persons may not be put in a more disadvantageous position for having submitted a complaint, providing information on a complaint or being otherwise involved.

# Annex 8

## TU Delft Student Objections Committee Regulations (Annex 4 to the TU Delft Executive and Management Regulations, Art. 42, para 5)

### **ARTICLE 1** (establishment)

1. For the purpose of the decision pertaining to an objection, submitted by a student and concerning a decision made by the Executive Board in accordance with the Higher Education and Research Act, with the exception of a decision based on Section 6.71 of the said Act, the Executive Board will establish a disputes advisory committee, called the Central Objections Committee for TU Delft Students.
2. In these regulations 'student' is defined as: a student, a prospective student, a former student, an external student, a prospective external student or a former external student of Delft University of Technology.

### **ARTICLE 2** (composition)

1. The Central Objections Committee consists of a chairman and a deputy chairman (who is also a member), and four members.
2. Advice on an objection is provided by three members, including the chairman or the deputy chairman.
3. Notwithstanding the provisions of Section 7:13, subsection 3, of the General Administrative Law Act, the hearing may be conducted by the chairman, the deputy chairman or a member who is not a member of and does not work under the responsibility of the Executive Board, in the unexpected absence of the chairman, the deputy chairman or one or more members on the date of the hearing.
4. The chairman, the deputy chairman and the members are appointed by the Executive Board for a maximum period of three years and may be reappointed twice.
5. The deputy chairman has the powers of the chairman, as referred to in Articles 7 and 8.

### **ARTICLE 3** (appointment requirements)

1. The chairman, the deputy chairman and the members must hold the title Master of Laws or have an equivalent level of professional and intellectual ability, obtained through relevant work experience in the in the field of student affairs.
2. The chairman and the deputy chairman must not be members of or work under the responsibility of the Executive Board.
3. The members must not be directly involved in the dispute and must not receive any assignments from the Executive Board concerning the dispute.

### **ARTICLE 4** (dismissal)

1. The chairman, the deputy chairman and the members may be dismissed from the committee by the Executive Board, after having heard the person concerned, if he/she proves unsuitable or for other substantial reasons in the opinion of the

Executive Board.

2. The chairman, the deputy chairman and the members may be dismissed from the committee at their own request at any time.

**ARTICLE 5** (secretary)

1. The Executive Board appoints a secretary or one or more deputy secretaries, who assist the committee.
2. The secretary and the deputy secretary are not members of the committee.

**ARTICLE 6** (remuneration)

Insofar as they are not employed by Delft University of Technology, the chairman, the deputy chairman and the members are entitled to appropriate remuneration as determined by the Executive Board.

**ARTICLE 7** (amicable settlement)

1. Within two weeks of receiving the objection, the committee will determine whether an amicable settlement can be reached between the student and the person who made the decision. The committee can transfer the attempt to reach an amicable settlement to the chairman or the secretary of the committee.
2. The person who has made the decision will investigate as soon as possible whether an amicable settlement can be reached. During the attempt to reach an amicable settlement, the decision on the objection will be adjourned in consultation with the parties concerned.
3. If it proves impossible to reach an amicable settlement, or if, in the opinion of the chairman of the committee, following the procedure to reach an amicable settlement would not lead to a result or would cause the interests of the appellant to be compromised disproportionately, the person who has made the decision must submit his/her position within a period stated by the committee.
4. If an amicable settlement has been reached, the handling of the objection by the committee will be discontinued. The committee will notify the student, the Executive Board and the dean of the faculty in which the student is enrolled of this in writing.

**ARTICLE 8** (urgent procedure)

1. When filing his/her objection, the student can indicate that it is a matter of immediate urgency and request an urgent procedure, as referred to in Section 7.63a, subsection 4 of the Higher Education and Research Act.
2. The chairman of the committee will determine whether it indeed concerns a matter of immediate urgency within one week after receiving the objection with the request. The chairman will notify the student and the Executive Board of this as soon as possible. If the chairman rules that it is a matter of immediate urgency, the committee will issue its recommendation as soon as possible, such that the Executive Committee can make its decision within four weeks of receiving the objection.

**ARTICLE 9** (entry into force)

These regulations enter into force on 1 September 2010.

**ARTICLE 10** (official title)

The regulations will be referred to as the 'Regulations concerning the Central Objections Committee for TU Delft students'.



## EXPLANATORY NOTES

### GENERAL

The Improved Governance (Higher Education) Act of the WHW prescribes in Art. 7.59a of the that the Executive Board establishes an accessible facility, also referred to as a desk ('loket'), where students can file complaints, objections or appeals. For more details on this, reference is made to the general explanation to the Complaints Regulations. Agreed at the meeting of the Executive Board on 10 August 2010, with the consent of the Joint Meeting on 8 July and approved by the Supervisory Board on 22 September 2010.

TU Delft students, annex 3 to the TU Delft Executive and Management Regulations.

Compared to the current situation, not much is changing with regard to the handling of objections and appeals by students. Whereas there is currently one set of regulations for the objections committees for student affairs and employees/other affairs, it is necessary to draw up two sets of regulations due to the legal basis in the Higher Education and Research Act and the differences in procedure. Separate regulations will be drawn up for the advisory committee on objections by employees and others (see Article 43a of the BBR); once these regulations have been drawn up, the current regulations for the two committees will be repealed. A third set of regulations concerns that of the Examination Appeals Board (see Article 43 of the BBR), in which no amendments are required as a consequence of the amendment to the WHW.

Section 7.63a of the WHW prescribes a disputes advisory committee for objections filed by students - a so-called Section 7:13 Awb committee, like the current committee. As the WHW does not use the word 'disputes' as a distinguishing criterion, it has been decided to continue referring to the TU Delft advisory committee as the Objections Committee. The current regulations have been virtually taken over in these regulations, while including new elements from the WHW, which sometimes deviate from the Awb:

- The WHW prescribes that the members of the committee must be functionally independent, which, according to the Explanatory Memorandum, means that the members may not accept any assignments from the Executive Board and may not be directly involved in the dispute. Although this was not explicitly prescribed, this rule was already followed in practice and the members of the Objections Committee were sought from outside the TU Delft staff as much as possible.
- The attempt to reach an amicable settlement, see Article 7.
- The inclusion of an urgent procedure, see Article 8.

The decision period also deviates from that of the Awb: 10 weeks instead of 14 weeks, in addition to which adjournment of this period is not possible and the period commences on the date of receipt of the objection, whereas under the recently amended Awb the decision period runs from the end of the period for raising objections.

Insofar as matters are arranged in the Awb itself, they are not repeated in these regulations. Please refer to Section 7:13 of the Awb for the powers of the committee, such as the power not to hear, or to refer the hearing to the chairman or to a single member, in the case of manifestly inadmissible or manifestly unfounded objections. These regulations arrange matters of an organisational nature, such as the composition of the committees, the method of appointment, support and remuneration.

### ARTICLE BY ARTICLE

#### ARTICLE 1

The competence of the committee on student affairs is based on Article 7.63a, subsection 2 of the WHW: it concerns decisions made in accordance with the WHW with the exception of decisions mentioned in Article 7:61 of the WHW, which are associated with the competence of the Examination Appeals Board. If a student invokes another act, such as the Government Information (Public Access) Act, his objection will be handled by the other committee (employees and other

affairs).

The broad definition from the WHW is used for the definition of student: prospective and former students, as well as external, prospective and former external students, may also file objections.

#### **ARTICLE 2**

The choice has been made for 'double staffing' of the committee with six members. Advice on each objection is issued by three members, including the chairman or deputy chairman. In principle, the hearing will also be conducted by these three members, but a provision has been made in paragraph 3 to enable a scheduled hearing to proceed if one or more members are unexpectedly absent. Section 7:13 of the permits the hearing to be conducted by a single independent member.

#### **ARTICLE 3**

Paragraph 3 emphasises the independence of the committee members in accordance with the intention of the legislature. The full independence of the chairman or deputy chairman is in keeping with Section 7:13 of the Awb.

#### **ARTICLE 7**

As indicated above, the WHW prescribes the attempt to reach an amicable settlement. The procedure to be followed is based on the Regulations of the TU Delft Examination Appeals Board.

#### **ARTICLE 8**

The urgent procedure is an elaboration of the provisions of Article 7.63a, paragraph 4 of the WHW.

# Annex 9

## TU Delft Examination Appeals Board Regulations

THE EXAMINATION APPEALS BOARD OF DELFT UNIVERSITY OF TECHNOLOGY

in view of Article 7.62 of the Higher Education and Scientific Research Act (WHW);

with the approval of the Executive Board of Delft University of Technology (TU Delft) of 20 June 2007;

### **DECIDES**

to adopt the following regulations, hereafter referred to as 'the Regulations':

#### **ARTICLE 1: DEFINITION OF TERMS**

In these Regulations, terms shall be understood as follows:

- a. Act: The Higher Education and Scientific Research Act (WHW);
- b. CBE: The Examination Appeals Board of Delft University of Technology as referred to in Article 7.60 of the Act.

#### **ARTICLE 2: SIZE, COMPOSITION AND TERM OF OFFICE OF THE BOARD**

- 1 The CBE has three members: a chairperson, a member of the academic staff and a student member. Each member has a deputy.
2. An appeal will be considered by three members, namely the chairperson or his/her deputy, a member of the academic staff and a student member.
3. The chairperson, his/her deputy and the members of the academic staff are appointed by the Executive Board for a period of three years. The student members are appointed for a period of two years. All members may be eligible for reappointment.

#### **ARTICLE 3: DISMISSAL**

1. Without prejudice to the provisions of Article 7.60 paragraph 6 of the Act, members may be dismissed if they no longer hold the position on the grounds of which they were appointed.
2. Prior to dismissal on the grounds of this article, the person concerned will be informed of their intended dismissal and given an opportunity to be heard on the matter.

#### **ARTICLE 4: CHAIRPERSON**

1. In the absence or unavailability of the chairperson, the deputy chairperson will deputise for him/her and assume their duties and powers.
2. The chairperson is authorised to represent the CBE both judicially and extrajudicially.

#### **ARTICLE 5: SECRETARY**

1. The Executive Board, after consultation with the chairperson, shall appoint a secretary to assist the CBE. The Executive Board may appoint one or two members of TU Delft staff to assist the secretary.

2. During the execution of his duties, the secretary will observe the instructions of the chairperson.
3. The secretary shall establish the composition of the CBE for each session upon consultation with the chairperson.

#### **ARTICLE 6: REMUNERATION**

Insofar as they are not employed by TU Delft, the chairperson and his/her deputy will be entitled to appropriate remuneration as determined by the Executive Board.

#### **ARTICLE 7: AMICABLE SETTLEMENT**

In addition to Article 7.61, Section 4 of the Act, the following provisions shall apply:

- a) The body against which an appeal is submitted will summon the appellant as soon as possible, but no later than one week after the invitation to an amicable settlement has been issued, to investigate whether an amicable settlement can be reached.
- b) Should it prove impossible to reach an amicable settlement, the body concerned will submit a statement of defence within three weeks of the invitation to reach an amicable settlement.
- c) Should the chairperson of the CBE believe that following the procedure to reach an amicable settlement would not have the desired result or if this would disproportionately harm the appellant's interests, he/she may determine that a statement of defence is to be submitted within three weeks and omit the amicable settlement procedure.
- d) The chairperson may decide to extend the period within which the statement of defence is to be submitted by two weeks.

#### **ARTICLE 8: REPEAL**

The Regulations of the Examination Appeals Board pursuant to Article 7.60 of the Higher Education and Scientific Research Act (WHW) of 7 October 1993 are to be repealed.

#### **ARTICLE 9: ENTRY INTO FORCE**

These Regulations enter into force on the first day after the date of issue of the edition of Delta giving due notice of the Regulations.

#### **ARTICLE 10: OFFICIAL TITLE**

These Regulations will be referred to as the Regulations of the TU Delft Examination Appeals Board.

These Regulations will be available for inspection at the Student Administration for two months from the date they enter into force. The Regulations will be published on the TU Delft website.

Notification of these Regulations, the publication on the website and the submission for inspection will be given in Delta, the weekly magazine of TU Delft.

As adopted by the Examination Appeals Board on 21 June 2007.

W.H.M.A. Pluimakers  
President

## **EXPLANATORY NOTES**

### **GENERAL**

Article 7.62 Higher Education and Scientific Research Act (WHW) stipulates that the Examination Appeals Board (CBE) is to adopt regulations to regulate certain specific matters. The Regulations adopted in this respect in 1993 had applied up to now. It is desirable that these Regulations be amended, the principal reason for which is the reduction, from five to three, of the number of members dealing with a case. A smaller group is preferable for practical reasons. It is sometimes very difficult for all five members to be able to meet at the same time.

The opportunity was also seized to significantly revise the Regulations adopted in 1993. These included many provisions which were a duplication of provisions of the General Administrative Law Act (AWB).

Save for some exceptions laid down in the WHW, the CBE procedure is subject to the AWB.

Subjects regulated in the AWB are not included in these Regulations. These Regulations contain all elements laid down in WHW Article 7.62 as well as additional provisions for amicable settlement.

### **AMICABLE SETTLEMENT**

The Act recognises an amicable settlement procedure intended to enable the administrative bodies of the university referred to in WHW Article 7.61 to solve as many disputes as possible in matters in which the CBE is authorised to pass judgement. If an amicable settlement cannot be reached, the CBE will consider the appeal.

Although the amicable settlement procedure is laid down in detail in the Act, the CBE is authorised to regulate certain aspects of the procedure in the Regulations. Article 7 of the Regulations regulates several matters in addition to the Act. A period is defined within which the appellant is to be invited to consider whether an amicable settlement can be reached. If an amicable settlement cannot be reached, a statement of defence must be submitted within three weeks. In implementation of Article 7.62, Section 1 Subsection e of the WHW it is stipulated that no attempt to reach an amicable settlement need be made if the chairperson feels that an amicable settlement would not produce the desired result or if this would disproportionately harm the student's interests. In this case, the respondent is to submit a statement of defence within three weeks. Allowing for the fact that the CBE must reach a decision within 10 weeks of receipt of the notice of appeal, the stipulation has been included that the period within which a statement of defence is to be submitted may be extended by a maximum of two weeks.

Pursuant to Article 7.62 Section 2 of the WHW, these Regulations must be approved by the Executive Board of TU Delft. The Executive Board must first submit the Regulations to the Student Council for advice (Student Council Regulations Article 5.1 paragraph 2 subsection f). Upon receipt of the advice from the Student Council on 10 May 2007, the Executive Board approved these Regulations on 20 June 2007.

# Annex 10

## TU Delft Management Regulations for the Use of Educational ICT Facilities by Students

These regulations contain house rules for the use by students of ICT facilities at TU Delft. These rules apply to all use by students throughout their studies of the facilities referred to. They are regulations in the sense of Article 7.57 h of the Higher Education and Scientific Research Act.

### **ARTICLE 1      DEFINITION OF TERMS**

In these Regulations, terms shall be defined as follows:

Educational ICT facilities: the TU Delft computer network and all ICT equipment connected to it owned or managed by TU Delft.

student: a person enrolled as such at TU Delft, with the exception of those enrolled as external students,

manager: the TU Delft Executive Board or those acting on its behalf - as far as the network is concerned, the director of the Department for Technical Support, and as far as the equipment related to it is concerned, the Dean/director of the management unit where the equipment is located.

junk e-mail: E-mails that have not been requested by the receiver or that he or she regards as unwanted.

### **ARTICLE 2      FREE USE BY STUDENTS**

Any student correctly enrolled as such at TU Delft may access the educational ICT facilities during the time of his or her enrolment.

### **ARTICLE 3      ACCESS**

Students acquire access to the facilities via the faculty in which they are following a degree programme.

### **ARTICLE 4      USE FOR EDUCATIONAL PURPOSES**

Access to the educational ICT facilities as described in Article 2 is intended for the purposes of education at TU Delft, and should be used as such. Private use is permitted only insofar as it has no negative effect on the ICT facilities and is not prohibited by these regulations or by legislation.

### **ARTICLE 5      COMMERCIAL USE**

The use of educational ICT facilities for private ends with a commercial nature is prohibited. E-mail addresses made available by the university may not be used for commercial distribution to third parties.

### **ARTICLE 6      FALSIFICATION OF IDENTITY**

Logging in under a false name, the falsification of address details or otherwise altering header details with the intention of concealing the identity of the sender or to circumvent these regulations is prohibited.

## **ARTICLE 7 SECURITY**

Any attempt to breach 'service refused', authentication or other security measures, or any unauthorised attempt to gain access to any other account, client, host or network is prohibited.

## **ARTICLE 8 USE OF E-MAIL AND USENET NEWS**

The use of educational ICT facilities for the purpose of distributing or gathering unwanted e-mail is prohibited. Conduct in connection with e-mail or Usenet news that is an obvious nuisance (such as 'mail bombing'), that is otherwise unlawful, or that is intended to harm others, for example threats, harassment, defamation, obscenity, or software piracy, is prohibited.

## **ARTICLE 9 VIOLATION OF COPYRIGHT AND INTELLECTUAL PROPERTY RIGHTS**

Use of the ICT facilities leading to a violation of copyright or other intellectual property rights, for example by placing software, music or books on the network, is prohibited.

## **ARTICLE 10 SUPERVISION**

Where these regulations are breached or where there is a reasonable suspicion of abuse, the Executive Board or the manager it has appointed, namely the Dean or the director of the Department for Technical Support, may access all data on the network or on systems connected to the network for the purpose of effective supervision. If there is a danger of a student's privacy being infringed as a result of the Executive Board's or manager's wish to access e-mail traffic or data on personal disk space, this shall not take place before the student concerned has been interviewed about the breach of regulations or abuse and the necessity to access the data has been ascertained.

## **ARTICLE 11 BREACH OF THESE REGULATIONS**

Where a breach of the provisions of these regulations occurs, the manager may take the measures necessary to stop it. These measures may involve the student's immediate exclusion from using the facilities for a maximum period of one year. The customary legal procedures against the Executive Board may be pursued by the student in response to these measures.

## **ARTICLE 12 MANAGEMENT OF EDUCATIONAL ICT FACILITIES BY THE FACULTIES/LIBRARY**

The faculties and university library manage the TU Delft ICT equipment in their buildings. They may make additional rules relating to its use.

## **ARTICLE 13 SPECIFICATION OF THESE REGULATIONS**

On behalf of the manager, the Department for Technical Support may impose further technical regulations, in addition to these regulations. DTO will give notice of any such regulations on its internet page. Where any contradiction occurs, these regulations shall prevail.

## **ARTICLE 14 REPORTING OFFENCES TO THE POLICE**

If unlawful use of ICT facilities by a student comes to the attention of the manager, as well as taking the measures referred to in Article 10, he or she may report the matter to the police. If, as part of a criminal investigation regarding unlawful use of ICT facilities, the police formally request such information, the name and address of the student will be made available provided to them to enable them to identify the student in question.

## **ARTICLE 15 REPORTING IRREGULAR BEHAVIOUR**

Anyone observing activities that contravene the provisions of these regulations may report them to: [abuse@tudelft.nl](mailto:abuse@tudelft.nl)

# Appendix

## Regulations for limiting FTTD TU Delft student accommodation data traffic (with reference to Articles 11 and 13 of the TU Delft Management Regulations for the Use of Educational ICT Facilities by Students)

### **ARTICLE 1 DEFINITIONS**

#### 1.1 Fibre-to-the-Dormitory (FTTD) network

the network in student lodgings connected by glass fibre to the TU Delft network;

#### 1.2 Service account

unique personal authorisation with a combination of user ID and password, which allows the entitled user to access educational ICT facilities provided on the TU Delft network;

#### 1.3 Outgoing data traffic

the data traffic coming from the internal network of a student house via the Point-to-Point Protocol over Ethernet (PPPoE) server.

### **ARTICLE 2 LIMITATION OF OUTGOING DATA TRAFFIC**

The outgoing data traffic for each service account used on the FTTD network is limited to 50 GB per calendar month, unless the manager, at the proposal of the Director of Studies, has agreed to a higher limit.

### **ARTICLE 3 MEASURES**

3.1 If the limit on outgoing data traffic is exceeded, the manager may take further measures.

3.2 Without prejudice to the possible implementation of other measures, for the remaining part of the calendar month in which the limit has been exceeded, the speed of outgoing data traffic on the FTTD network for the service account concerned may be limited to 128 kbps.

### **ARTICLE 4 NOTIFICATION**

4.1 The manager shall notify the user of the service account on the FTTD network as soon as possible of the intention to implement Article 3.

4.2 If the circumstances of a particular case make the immediate implementation of Article 3 necessary, the manager shall



notify the user as soon as possible after the measure has been taken.

#### **ARTICLE 5 ENTRY INTO FORCE**

These regulations shall come into force from the first day after their adoption.

#### **ARTICLE 6 OFFICIAL TITLE**

These regulations may be cited as 'Regulations for the limitation of data traffic for TU Delft student lodgings with FTTD'.

#### **EXPLANATORY NOTES**

##### **GENERAL**

The TU Delft network, which allows internet and email traffic, is connected to the network in student lodgings – the so-called Fibre-to-the-Dormitory (FTTD) network. A combination of user ID and password (service account) gives the user – usually a TU Delft student – access to the FTTD network.

The TU Delft Department for Technical Support (DTO) has recently observed a conspicuous increase in outgoing data traffic for a number of service accounts. This increase has been caused by the sending of large quantities of possibly illegally downloaded software and files. This has now taken on such proportions that the stability of the FTTD network may be endangered. The network users would suffer as a result. A limit on outgoing data traffic has therefore been set. There are no TU Delft regulations on this matter.

The Regulations for the limitation of data traffic for TU Delft student lodgings with FTTD (hereinafter 'the Regulations') serve to bridge this regulatory gap. The objective of the Regulations is to guarantee the stability of the network. In essence they provide for a limit on outgoing data traffic for a service account for each calendar month, and where this limit is exceeded, a restriction on the speed of the outgoing data traffic for the calendar month concerned. The Regulations only apply to users of service accounts who are enrolled in a degree programme at TU Delft at the time their account is used.

TU Delft already has 'Management Regulations for the use of Educational ICT facilities by Students' (hereinafter 'the Management Regulations'). The Management Regulations are based on Article 7.57h of the Higher Education and Scientific Research Act (WHW), which stipulates that the institutional board may make regulations relating to proper procedures in its buildings and on its grounds.

In Article 11 the Management Regulations provide for the possibility for the manager to take measures to bring any breach of these regulations to an end, while Article 13 allows the Department for Technical Support on behalf of the manager to draw up technical regulations to supplement the Management Regulations. This is to take place in agreement with the director of Information Management (IM) at TU Delft.

It would be preferable to include these Regulations in the Management Regulations. However, given that a number of points in the Management Regulations need updating, and regulations to deal with the problem in question have proved to be necessary in the short term, the decision has been made to draw up supplementary regulations. This is in line with the objective to include the problem in a general revision of the Management Regulations.

## **ARTICLE BY ARTICLE**

### **ARTICLE 1**

This article defines the terms used in the Regulations. Article 1.2 defines the term 'service account'. For technical reasons the measures in these Regulations can in fact only be applied to a service account.

### **ARTICLE 2**

This article sets out the limit on outgoing data traffic. Outgoing data traffic is checked on the basis of the data traffic that passes through the PPPoE server. The chosen limit is at such a level that service account users are unlikely to experience any restriction on their freedom of movement. It is conceivable that a higher limit may be agreed on with the manager. This would include cases in which the limit is exceeded for the purposes of study. For this reason, Article 2 contains the possibility for exceptions to the rule. Requests to this effect must be submitted to the director of the Department for Technical Support.

There may be a review of the limit if technological developments give cause for it.

### **ARTICLE 3**

This article describes the available sanctions. The first paragraph allows the manager to take further measures where the limit on outgoing data traffic is exceeded. The measures may vary from a written warning to denial of access.

The second paragraph stipulates that where the limit referred to in Article 2 is exceeded, the speed of the outgoing data traffic for the service account concerned will be limited. The level of the limit has been set to allow for an acceptable amount of outgoing data traffic.

### **ARTICLE 4**

It is not impossible that the user of a service account may object to a limit being placed on his account. Article 4 therefore stipulates that the manager should inform the user of a service account of the implementation of the limit. As a rule, this will take place by e-mail. The Department for Technical Support is the contact point for practical questions and problems.

### **ARTICLES 5 AND 6**

These articles determine respectively the date on which the Regulations come into force and the way in which they should be cited.

# Annex 11

## TU Delft Regulations for the Use of Buildings, Premises and Facilities by Students and Visitors

### **ARTICLE 1 DEFINITIONS**

#### 1.1 WHW

the Higher Education and Research Act (Bulletin of Acts and Decrees 1992, 593)

#### 1.2 TU Delft

TU Delft, possessing legal personality in accordance with Article 1.8 paragraph 2 of the WHW;

#### 1.3 Executive Board

the TU Delft Executive Board, as meant in Article 9.2 of the WHW;

#### 1.4 Manager

an official designated by the Executive Board in accordance with Article 34 of the Executive and Management Regulations;

#### 1.5 Student

anyone who has enrolled at TU Delft for a study programme provided by TU Delft and who in that capacity receives tuition and takes examinations;

#### 1.6 Visitor

anyone who is not a student and occupies no position at TU Delft, as meant in Article 1.1 of the Collective Labour Agreement for Dutch Universities.

### **ARTICLE 2 OBLIGATION TO COMPLY WITH RULES, GUIDELINES, AND INSTRUCTIONS**

2.1 Students and visitors on TU Delft's premises or those who use the facilities or amenities of TU Delft must comply immediately and in full with rules or instructions issued by or on behalf of the Executive Board or manager relating to the upholding of order and proper conduct on the premises and with rules relating to the correct use of the facilities and amenities at TU Delft, and should conduct themselves in such a way that:

- a. they do not cause, neither directly nor indirectly, unacceptable harm or disruption to TU Delft or to other people on TU Delft's premises or who are using the facilities or amenities of TU Delft;
- b. they do not infringe any rights of TU Delft or of other people on TU Delft's premises or who are using the facilities or amenities of TU Delft;
- c. they are not in breach of any legal obligation;
- d. is generally deemed appropriate, in relation to other people or their property.

2.2 The wearing of clothing or other items that cover the face, and which seriously impede non-verbal communication between the teacher and the student, between students, or between teachers, is not allowed in the university buildings during lectures, tutorials, or other types of lesson, or when taking an examination, or when entering or being in a building if so doing makes it difficult for the person to be identified.

2.3 The manager may issue instructions on behalf of the Executive Board with a view to maintaining order in the areas of TU Delft's premises that are under the control of the managers, as well as in relation to the TU Delft facilities and amenities under their control.

### **ARTICLE 3 MEASURES IN THE EVENT OF A BREACH**

3.1 The Executive Board or a manager may take the following measures against any student or visitor who does not comply with these regulations, in accordance with the procedure described in these regulations:

- a. denial of access to TU Delft's premises or any part thereof or termination of the student's enrolment at TU Delft, on the understanding that a student may be denied access to said premises either wholly or in part for no more than one year, and that a student's enrolment may be terminated for no more than one year;
- b. a ban on the use of TU Delft facilities and amenities;
- c. a fine, if this is agreed and if there is a legal basis for the imposition thereof;
- d. a written reprimand.

3.2 the Executive Board may deny access permanently to, or definitively terminate the enrolment of, any student who does not comply with these regulations, who has caused a serious public nuisance on TU Delft premises and has continued to do so even after a warning by or on behalf of the Executive Board.

### **ARTICLE 4 DENIAL OF ACCESS BY THE MANAGER**

4.1 A manager may deny access to any student or visitor who acts in contravention of these regulations or the rules referred to in Article 2, with immediate effect and for a period of no more than twelve months, to any premises, in whole or in part, that form part of his management unit, or prohibit them from using any university or faculty facility or amenity that form part of his management unit, if any such immediate measure is, in his judgement, necessary, given the circumstances of the particular case.

4.2 Any person against whom any measure as meant in the first paragraph is taken shall be given an opportunity by the manager, or by a party acting on his behalf, for a hearing as soon as possible, if this was not possible prior to the measure being imposed as a result of the urgency thereof.

4.3 A manager may make a reasoned request to the Executive Board for further measures to be taken, with due regard for the provisions of Article 5.

### **ARTICLE 5 MEASURES BY THE EXECUTIVE BOARD**

5.1 A manager may make a reasoned request to the Executive Board that a student or visitor who has contravened these regulations or the rules in Article 2, or who has not met the conditions attached to a particular measure, be denied access to all or part of the premises of TU Delft, be prohibited from using the facilities and amenities at TU Delft, or in the case of a student, have their enrolment terminated.

5.2 A copy of any such request by the manager shall be sent to the person to whom it relates.

5.3 The Executive Board shall give its ruling on the request as meant in the first paragraph of this article within a reasonable period of time.

5.4 A measure as meant in this article entails at least the following:

- a. the identification of the TU Delft premises (or parts thereof) and/or the facilities and amenities to which the ban relates;
- b. the period of time during which the measure shall apply;
- c. the reasons for the measure;
- d. the conditions, non-compliance with which will result in the measure being effectuated;

5.5 If, in the view of the Executive Board, the seriousness of the situation makes an immediate measure necessary, it may extend the ban, meant in Article 4, first paragraph - in anticipation of the decision-making process meant in the first paragraph - by no more than four weeks, or impose a measure of no more than twelve weeks' duration, with the party affected being given a hearing.

## **ARTICLE 6 TERMINATION OF THE MEASURE**

6.1 The Executive Board may, at its own initiative or as the result of a request from the party against whom a measure, as meant in these regulations, has been taken, lift the measure before the end of the period for which it was imposed, or reduce the scope of the measure, or decide that the student in question may be re-enrolled, if in its view there are sound reasons for doing so.

6.2 The Executive Board may attach conditions to the termination of the measure mentioned in the first paragraph.

6.3 If the Executive Board is of the opinion that the person to whom the termination proposal relates has not complied with the conditions imposed by the Executive Board, the measure originally imposed shall be re-imposed; the period that has elapsed since the lifting of the measure shall not be deducted from the original period for which the measure was imposed.

## **ARTICLE 7 ENTRY INTO FORCE**

These regulations enter into force on the first day after the date of the edition of Delta in which the content of the regulations are published.

## **ARTICLE 8 OFFICIAL TITLE**

These regulations may be referred to as 'the TU Delft Regulations for the use of Buildings, Grounds and Facilities by Students and Visitors'.

## **EXPLANATORY NOTES**

### **GENERAL**

The Management Regulations are based on Article 7.57h of the WHW, which stipulates that the administrative body may make regulations relating to proper procedures in its buildings and on its grounds. From the position of this article in Chapter 3, 'Students and External Students', and the content of this chapter, it may be inferred that this provision relates solely to those who are studying. According to the text of Article 7.57h of the WHW, the regulations referred to in said article concern house rules and order-related measures, which should be given in the form of generally binding regulations.

In general terms, TU Delft has not yet fulfilled this provision. However, with a reference to Article 7.57h of the WHW, it has adopted its 'Management Regulations for the use of Educational ICT facilities by Students'. These regulations can therefore be regarded as regulations as meant by Article 7.57h of the WHW.

The TU Delft Regulations for the use of Buildings, Grounds and Facilities by Students and Visitors (hereinafter: 'the Regulations') serve to fill this regulatory gap. The purpose of the Regulations is, firstly, to apply a generally binding regulation for upholding the house rules and order-related measures for TU Delft premises. In the case of students, a decision is as defined by the meaning of the General Administrative Law Act, based on the authority invested in the Executive Board by Article 7.57h of the WHW.

Given that the premises of TU Delft are visited not just by students and TU Delft employees, but also by third parties (visitors), the Regulations also relate to this latter category. Visitors are persons who are neither students nor TU Delft employees as meant by the Regulations. In the case of visitors, TU Delft generally acts in a private legal capacity as the manager. It is desirable to set down standards in relation to visitors, too. The basis for this can be found in Article 9.2, first paragraph of the WHW. Given that these standards do not differ in essence from those that apply to students, the Regulations are aimed at both groups.

Employees are defined in Article 1 of the Collective Labour Agreement for Dutch Universities (part 1 – Public Universities) as those who have an employment relationship with an educational institute.

Article 11 of the Collective Labour Agreement for Dutch Universities (part 1 - Public Universities) states that employees must adhere to their employer's regulations, any breach of which entitles the employer to impose disciplinary measures. Separate house rules and order-related measures are not needed for employers, although the imposition of sanctions should take the special employer-employee relationship into account. The Regulations do not therefore apply to employees.

The Regulations basically mean that students and visitors on TU Delft premises should comply with rules and instructions issued by or on behalf of the Executive Board, and that the Executive Board or manager may impose sanctions on these individuals if they do not comply with said rules and instructions or if they behave in any way that is improper or negligent. The Regulations also set out the range of sanctions available. The Regulations therefore serve to regulate the procedures concerning the maintaining of order. House rules should be included in separate regulations, as explained below, in Article 2.

#### *2010 change*

The current Regulations should be adapted to the amendments to the WHW, which will take effect on 1 September 2010 (Act of 4 February 2010 (Bulletin of Acts and Decrees 2010/119)). The amendment to the law has led to the amendment of Article 7.57h of the WHW, which article forms the basis for the regulations to be drawn up by the university. The amended article now means it is possible to terminate the enrolment of any student who has contravened the house rules and order-related measures for up to one year; this is in addition to the existing measure whereby students may be denied access to the premises. In the case of serious misconduct that continues even after a warning, the student concerned may be denied access definitively or have his enrolment permanently terminated. The amendments that relate to an extension of the range of available sanctions have been incorporated into the Regulations. The sanction of terminating a student's enrolment has been included, and from now on the term 'measure' will be used, which covers both denial of access and termination of enrolment.

## **ARTICLE BY ARTICLE**

### **ARTICLE 1**

This article defines the terms used in the Regulations. Article 1.3 defines the term 'Executive Board'. The Executive Board is the board of the institute, as referred to in Art. 7.57h of the WHW.

The definition of 'managers' (Article 1.4) is based on the Management Regulations. The manager of the faculties is the dean. Article 4 of the Regulations allows the manager the option of imposing a temporary sanction in urgent cases where a contravention has taken place; by virtue of Article 5, he can also request the Executive Board to impose an additional sanction. A manager may also set additional rules, according to Article 2.3, as described in said article.

Article 1.5 of the Regulations sets out the definition of 'student'. From the description it may be inferred that it not necessary to receive tuition at TU Delft to be covered by this definition. An external student can also be a student as meant by Article 1.5.

The 'visitor' category should be regarded as a 'remainder' category, based on Article 1.6. People who come under this category should therefore not be students as meant by Article 1.5 or TU Delft employees. Employees are defined in Article 1.1 of the Collective Labour Agreement for Dutch Universities (part 1 – Public Universities) as those who have an employment relationship with TU Delft.

## **ARTICLE 2**

This article defines the compliance obligation on students and visitors. From the description in Article 2.1, it can be inferred that not just rules, guidelines, and instructions should be complied with, but also that students and visitors should refrain from acting in conflict with any legal obligation and from behaving in an inappropriate fashion. Inappropriate behaviour shall generally only be deemed objectionable if the person concerned has also acted unlawfully as meant by Article 6:162 of the Netherlands Civil Code. Article 2.1 subsection d relates to this type of unlawful behaviour. Violation of paragraphs a to c of this article will generally also be deemed as unlawful acts.

The rules meant in Article 2, first paragraph, includes those that relate to fire and other security regulations, health, safety and environmental legislation, the traffic regulations at TU Delft, the rules concerning the smoking ban in TU Delft rooms and spaces, the rules relating to the use of the TU Delft computer and network facilities, rules concerning identification and clothing regulations. This list is not exhaustive. It states that other regulations should be consulted for the purpose of reference to household rules.

The opportunity has been used to include household regulations of a general nature in these Regulations; Article 2.2 contains clothing regulations, including a ban on items of clothing that cover the face. The objectively justifiable purposes of this ban are to guarantee good-quality communications during teaching and to make it possible to establish the identity of the person concerned whenever they are in a building and, in the case of students, while they are taking exams. The formulation of the ban is based on 'Leidraad kleding op scholen' by the Minister of Education, Culture and Science.

Article 2.3 invests managers with the authority to issue instructions at local level on behalf of the Executive Board. This emphatically does not extend to rules that apply throughout TU Delft, now that this authority lies with the Executive Board. Instructions at local level could include, for example, the organisation of proper procedures in a computer room.

## **ARTICLE 3**

This article describes the available sanctions. Denials of access may be temporary, conditional, or permanent. In the case of students, denials of access are always temporary, of a maximum duration of one year (WHW). Only visitors may be denied access permanently, but only in very serious cases.

Bans by managers are regulated in Article 4, and those by the Executive Board in Article 5. Conditional bans only take effect if the conditions attached to the ban have been breached. Verbal and written warnings are also available options.

From Article 4 it may be inferred that managers may impose an urgent measure in the form of a ban of up to twelve weeks, which the Executive Board may extend at the request of the manager. Pursuant to Article 5, managers may ask the Executive Board to impose a ban immediately.

The aforementioned does not affect the authority to take an actual disciplinary measure, followed possibly by a written decision.

### *2010 change*

The updated article 7.57h of the WHW, updated by force of law on 4 February 2010 (Bulletins of Acts and Decrees 2010, 119) has led to an extension of the range of sanctions available. The extensions, which cover the termination of the enrolment of students and the duration of measures taken, have been incorporated in Article 3.

#### **ARTICLE 4**

It is not impossible that a situation may occur in a management unit that necessitates an immediate denial of access by the manager to the premises or to university or faculty facilities and amenities in the form of a temporary measure. This provision regulates such a ban and includes the procedural aspects.

Managers may impose measures of no more than twelve weeks' duration. Article 4:8 of the General Administrative Law Act makes the holding of hearings compulsory, which also applies to decisions affecting students that have been taken in accordance with the Regulations. For the sake of correctness, visitors and students should be treated equally, which also applies in the case of the provisions in Article 5 of the Regulations. The second paragraph states that, if an affected party cannot have a hearing in advance because of the urgent nature of the measure – Article 4:11 of the General Administrative Law Act allows for exceptions in these cases – the affected party must be given a hearing as soon as possible after the imposition of the measure.

It can therefore be inferred from the article that managers may only impose bans that are limited by time. However, they can make reasoned requests to the Executive Board to impose a further ban, according to the third paragraph. The Executive Board shall take the provisions of Article 5 into account when making its decision. Managers are free to approach the Executive Board directly on the basis of Article 5 with reasoned requests for bans - in other words, without the managers themselves taking measures in accordance with Article 4.

#### **ARTICLE 5**

The first three paragraphs of this provision set out the procedure in the event that the manager requests the Executive Board to deny access or deny use (whether Article 4 has been applied or not) to anyone who has acted in contravention of Article 2 of the Regulations or, in the case of students, to terminate their enrolment.

It is stated in Article 4.8 of the General Administrative Law Act that a party affected by a measure must be given a hearing by the Executive Board beforehand.

The fourth paragraph determines which criteria a ban or termination of enrolment must fulfil. The provisions of subsection d apply to the conditional measure.

The fifth paragraph enables the Executive Board to extend the period of Article 4, first paragraph, by a maximum of four weeks or, if Article 4 has not been applied by the manager, to determine a measure for a maximum of twelve weeks, if the seriousness of the situation requires it. Given the urgency of the measures to be taken, the hearing can take place retrospectively (Article 4:11 of the General Administrative Law Act). The affected party will in any case be granted a hearing before the imposition of a definitive measure.

#### *2010 change*

The article has been modified as a result of the amendment to Article 7.57h of the WHW.

#### **ARTICLE 6**

This article sets out the procedure for terminating a measure (a ban or termination of enrolment) by the Executive Board. The Executive Board may decide upon a termination at its own initiative or at that of the party concerned.

#### *2010 change*

The article has been modified as a result of the amendment to Article 7.57h of the WHW.



## **ARTICLES 7 AND 8**

These articles determine respectively the date on which the Regulations come into force and the way in which they should be cited. It is recommended that information be displayed at the main entrances to buildings that these Regulations and house rules apply on TU Delft premises and to TU Delft facilities and amenities, and that the Regulations are available for viewing from the receptionist or manager of the building.

# Annex 12

## Code of Conduct for the use of English

### **I. AIM**

The Code of Conduct for the use of English serves as a guarantee of quality in the use of a foreign language, such as English, as a language of instruction in the study programmes at TU Delft.

### **II. KEY PRINCIPLES**

- a. Article 7.2 of the WHW states that teaching and examinations are conducted in Dutch. Exceptions are possible in just three cases:
  - a. if a study programme involves the language in question;
  - b. if it concerns a guest lecture by a non-Dutch speaking lecturer;
  - c. if the specific nature, structure or quality of the tuition, or the origin of the students makes it necessary, in accordance with a code of conduct to be drawn up by the Executive Board.
- b. The guideline on the introduction of the Bachelor's-Master's structure by the Executive Board of September 2000 states that Master's degree programmes and Master's variants of a mostly international character shall be taught in English. Now, every Master's degree programme at TU Delft is taught in English.
- c. Article 7.2 subsection c of the WHW (II a, subsection a and c of the Code of Conduct) states that the Executive Board may decide to offer Bachelor's degree programmes entirely in English.
- d. The Code of Conduct is subject to a review every three years by the Higher Education Inspectorate.

### **III. CODE OF CONDUCT**

The language of instruction for the degree programmes mentioned in II subsections b and c is English, and the course material should be in English. English is the language used for assessments, examinations and degree audits. The Board of Examiners may allow a student to use the Dutch language for his assessments, examinations, and degree audits if this will be of clear benefit to the student. The dean shall ensure that information about all the options and limits regarding the subjects that students can do in English is made available, and that it is published in the prospectus, on the website, etc., especially with regard to elective modules.

### **IV. IMPLEMENTATION**

#### *a. Academic staff*

In the TU Delft appointments policy, experience of teaching in English will be included as one of the selection criteria. English-language skills of academic staff will be tested at the time of their appointment. Teaching effectively in English forms part of the career policy for academic staff and has been incorporated in the R&D cycle. English-language proficiency is one of the basic qualifications in the education sector.

#### *b. Students*

If a particular Bachelor's degree programme is not available in English, the students concerned will have to prepare for being taught in English during the Master's phase. This preparation is supported mainly by using English-language course material and by offering incidental modules in English because the nationality of the teacher or the nature of the subject makes it imperative.

### *c. Course material*

The course material for the degree programme mentioned in II subsections b and c is in English. The course material must meet the following requirements:

- it must be highly suitable for private study: the subject matter must be clear and described in such detail that students are able to master the material by themselves. This is particularly important for students who have not been able to understand lessons in full, and who can therefore make up for this by studying the material in private;
- the structure of the material must make it accessible for students - it should have study instructions, exercises, examples, and so on;
- the material invites students to study it critically and independently;
- the material should include a glossary of foreign terms that form part of the jargon of the relevant subject field.

## **V. QUALITY ASSURANCE AND EVALUATION**

The normal requirements set by TU Delft with regard to the quality of regular teaching also apply to teaching in the English language. The aforementioned measures regarding the implementation of the code of conduct therefore involve an additional package of measures with a particular focus on both the use and the quality of the course material and on the methods used by the teaching staff. The quality of these measures will be checked regularly using evaluations. As is the case with regular teaching, the responsibility for quality assurance of foreign-language teaching lies with the faculties and the university itself.

### *Implementation*

Organising review procedures for academic staff who teach in English will ensure that the quality of teaching is monitored on a continuous basis. This form of evaluation covers the study of the course material, the modes of instruction, and the assessment of examinations. A similar quality assurance model is recommended by the Inspectorate. Students are also asked to give their opinions regarding quality assurance. To assess the pass rates of particular study components, the same procedure is used as with regular teaching, which means that disappointing study results will lead to their being analysed. The participation of academic staff on the English-language course will be particularly closely monitored, as will the possibility for students to link a 'technical English' course to the core curriculum.

# Annex 13

## Code of Conduct regarding International Students

### **PREAMBLE**

#### **taking into consideration that**

Dutch higher education seeks further improvements to and strengthening of international cooperation and that the Netherlands is seeking to raise its profile abroad as a knowledge-based society through its education institutes;

its education institutes treat Dutch and international students equally, but that the provision of information and care for international students require further regulation in some areas;

the education institutes wish to attract high-quality international students, and for their dealings with international students to establish streamlined and coordinated guidelines through this code of conduct;

it is important that the education institutes give a clear and unambiguous picture to international students of the Dutch higher education system and that the range of programmes offered by each institute is in accordance with the descriptions in the Diploma Supplement set down by the Ministry of Education, Culture, and Science;

in that context, the education institutes wish to provide clear, unambiguous and accessible information about the quality of the programmes available, their position in the Dutch system, the facilities and amenities on offer, tuition fees and the cost of living, and the entry requirements for international students;

the education institutes may only use the international instruments provided by the Dutch government on the condition that they treat international students fairly;

the Dutch government assumes that the education institutes that endorse, implement and apply this code of conduct, treat international students fairly;

that the Dutch government sets as a condition that education institutes sign the code of conduct for the issuing of residence permits to nationals who are not from the EU, the EEA, or Switzerland who wish to study at higher-education level;

the Dutch government supports and provides relevant information through its foreign offices to the education institute that endorse and implement this code of conduct;

the education institutes that have signed up to this code of conduct, endorse it as a starting point for the relationship between international students and the education institute;

by signing the code of conduct, the education institute undertakes to adhere to the

obligations listed in the code of conduct, and commits itself to act in the spirit of the code as regards matters that are not covered by the code of conduct;

in order to realise the aforementioned aims, further agreements are needed, which means the code of conduct is an addition to the existing legal framework. The existing legal framework is defined in any case as Article 7.28 of the WHW, 3.41 of the Aliens Decree 2000, and Chapter B3 of the Aliens Act Implementation Guidelines 2000.

**The education institutes commit themselves to the following guidelines and actions:**

**1 DEFINITIONS**

*Agent:*

an individual, company or other organisation which, commercially or not, offers services to future international students wishing to study in the Netherlands, or which provides services to an education institute for the purpose of recruiting international students.

*Interested party:*

an international student, the education institute, the Association of Universities of Applied Sciences, the NRTO, the Association of Universities in the Netherlands (VSNU) and the Ministries of Foreign Affairs; Education, Culture, and Science; Economic Affairs, and Security and Justice.

*Code of conduct:*

this International students in Dutch higher education code of conduct.

*International student:*

a student of foreign nationality who is going to receive, who is receiving, or who has received tuition at an education institute based in the Netherlands; in the case of students who require a residence permit to study, those who possess one.

*Exchange student:*

an international student who has received, is receiving, or is going to receive tuition at an education institute established in the Netherlands for a period of between three and twelve months as part of an exchange programme designed for that purpose, and who is not enrolled as a student at and does not hold a diploma from said institute.

*Education institute:*

an institute that:

- is funded and designated as such according to the WHW, or is a legal person for higher education;
- is subsidised in the context of Article 2 of the Ministry of Foreign Affairs Distribution of Subsidies Framework Act and the Ministry of Foreign Affairs Subsidy Scheme 2006, or
- provides accredited higher education as meant in Article 5.2, and which has signed this code of conduct and is registered as a participating institute with the register administrator.

*National committee:*

the committee referred to in Section 7.

*Register:*

the public register maintained by the register administrator of education institutes that have signed the code of conduct.

*Register administrator:*

the Dienst Uitvoering Onderwijs of the Ministry of Education, Culture and Science.

*Education:*

all higher education, including the preparatory year, that is provided to international students by or on behalf of the education institute.

*Preparatory year:*

preparatory education, including preparatory foreign-language teaching, of maximum four years' duration, that is provided by or on behalf of the education institute to international students in order to enable them to be admitted to regular education.

*Admission to the programme:*

the positive result of the assessment by the education institute of at least the pre-university education, the language proficiency and the qualifications of an international student who is seeking to be admitted to and enrolled on a specific study programme.

*Enrolment:*

the administrative process by the education institute carried out at the request of an international student who has been granted admission, as a result of which the student acquires the rights and obligations relating to the receiving of tuition.

*Umbrella organisations:*

Association of Universities of Applied Sciences, NRTO, and VSNU.

*Students who require a residence permit:*

international students from countries other than EU or EEA member states or Switzerland.

*Reference period:*

the period in which an international student who has been granted admission is enrolled at one and the same education institute.

*Proportional nominal study load:*

the nominal study load that goes with the period of enrolment in an academic year.

## **2 PROVISION OF INFORMATION**

2.1 Using the website and other channels, the education institution makes available to international students in good time information that is reliable and easily accessible concerning the range of courses available, and which concerns at least the following:

- a. the accreditation of the study programme as meant in Article 5.2;
- b. the criteria that the quality of the teaching should meet, as well as the internal procedures for safeguarding this level of quality;
- c. a description of the study programme, the degree certificate, and the legal status of the degree certificate, as well as the teaching and examination regulations (or similar regulations) or a summary thereof;
- d. the admission requirements of the study programme, including the procedures for admission and enrolment and

- associated costs, as meant in sections 3 and 4;
- e. the language used in the lessons;
- f. additional fees that the education institute may ask from the international student in the context of the above or for the services mentioned in Sections 3, 4 and 5 ;
- g. the levels of study progress as meant in Section 5, including the procedure for permission as meant in Article 4.6;
- h. this code of conduct.

The above information should preferably include a description of the knowledge and skills that international students will have acquired in the event that they conclude their study programme successfully.

2.2 The information that the education institute provides to international students on the basis of the code of conduct should be in English, or the language in which the lessons are given, or in the mother tongue of the international student in question.

2.3 The education institute ensures that its advertising messages and overall presentation clearly convey its nature and that of the education it provides, and that the process of recruiting international students is conducted in accordance with the rules and standards set down by the Dutch Advertising Code Committee in its Advertising Code, in particular the general code (I) and the special advertising code for courses (II-b). The education institute makes clear in the English-language version of its name the nature of the institute.

### **3 AGENTS**

3.1 If the education institute assigns the task of recruiting international students to an agent, the education institute shall ensure that the agents act in the spirit of this code of conduct. When outsourcing any part of the recruitment and selection process, the education institute remains responsible for the admission of international students.

3.2 The education institute concludes a written agreement with any party that acquires the authority as an agent to recruit international students and shall use only agents who possess the necessary knowledge of the Dutch higher education system for recruitment purposes. The education institute shall not engage an agent about whom there are doubts about their honesty and integrity and shall ensure that its agent has access to the most up to date and accurate education information concerning the institute.

The education institute shall take immediate corrective measures if it learns that an agent is guilty of inattentive, careless or unprofessional conduct, or is involved with false, misleading or unethical advertising and recruitment practices, including activities that could harm the good name of Dutch higher education. The education institute shall also regularly keep itself informed of the experiences of the international students.

3.3 The international student pays the fees for tuition and, as the case may be, for admission thereto, to the education institute or, in the case of joint or double degree programmes, to a nominated education institute, which may be located abroad.

3.4 Responsibility for payment of any advertising or mediation costs incurred by the agent shall be set down in the agreement between the education institute and the agent.

3.5 The education institution makes agreements with the agent on how his activities are to be monitored. At the request of the national committee (see Section 7), the education institute will allow the agreement with the agent to be viewed. The agreement between the agent and the education institute will allow for the agreement to be viewed by third parties.

## 4 ADMISSION TO AND ENROLMENT ON THE STUDY PROGRAMME

- 4.1 If an international student requests admission to and enrolment at the education institute, his admissibility is first assessed on the basis of at least the required prior education, sufficient language proficiency (see Article 4.2) and qualifications that relate to the specific study programme for which the student is seeking to gain admission and enrolment. The education institute sets these admission requirements in advance of the recruitment of the international student for the study programme in question and checks beforehand to see whether the student meets the relevant admission and enrolment requirements.
- 4.2 The education institute sets the minimum language requirements for tuition given to international students that the students must meet, and ensures that the students actually do meet them. If this concerns Dutch-language tuition, the provisions of Article 7.28, second paragraph, of the WHW shall apply.

If it concerns English-language tuition, the minimum is an academic IELTS test with an overall band score of 6.0 (six) for Bachelor's and Master's. For the preparatory year of six to twelve months' duration, the minimum requirement is 5.0 IELTS; for a preparatory year of six months or less, it is 5.5 IELTS.

Voor de scores van andere geaccepteerde taaltesten dan IELTS wordt onderstaande tabel<sup>1</sup> gehanteerd:

IELTS, TOEFL, TOEIC and Cambridge ESOL scores					
IELTS	TOEFL Paper	TOEFL Computer	TOEFL Internet	TOEIC <sup>2</sup>	Cambridge ESOL
7.5	625	263	113	790	CPE – C
7.0	600	250	100	780	
6.5	575	232	90	720	CAE – C
6.0	550	213	79/80	670	
5.5	525	196	70	620	FCE – C
5.0	500	173	60	600	

- 4.3 In derogation of the provisions in Article 4.2, an education institute may exempt an international student who had his prior education in English from the obligation to take a language test. The national committee may request the education institute to produce a statement from Nuffic, confirming that the student's prior education was in English. An education institute may also exempt international students from the obligation to take a language test if they possess a secondary education diploma from a country on the diploma list drawn up on behalf of the associations of higher education that is published on the code of conduct website.

In the case of an exchange programme for an English-language study programme, the agreement between the international student's 'home' institute and his 'guest' institute will include agreements regarding the minimum level of English language proficiency of the student. At the request of the national committee, the education institute will allow the agreement with the 'home' institute to be viewed.

The education institute for HBO study programmes in the field of art may set modified requirements regarding the level

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<sup>1</sup> The table is not intended for the purpose of comparing the various language tests and scores. It serves solely to formulate the minimum scores for the aforementioned accepted language tests for the admission of international students.

<sup>2</sup> If both the 'Speaking and Writing' and 'Listening and Reading' sections have been successfully completed.



of English-language proficiency. This concerns study programmes that are registered in the 'Opleidingen op het gebied van de kunst' sub-section of the 'Taal en Cultuur' section in the Central Register of Higher Education Degree Programmes (CROHO). These study programmes are subject to additional legal requirements (Article 7.26a of the WHW), relating primarily to the required level of artistic quality. These study programmes test English-language proficiency in the context of the selection procedure and are exempted from the obligation to take a language test as described in Article 4.2. Given the special nature of these study programmes, the Board of Examiners decide what the desired level of language proficiency is, and set it down in the Teaching and Examination Regulations.

- 4.4 The education institution will reject the admission and/or enrolment of an international student, stating its reasons in writing, if the student does not meet the requirements of the institute or study programme. The education institution will include in its notice of rejection the legal avenues that the international student may pursue in relation to the rejection.
- 4.5 The education institution may request a fee for assessing the student's language proficiency, prior education, and diplomas. The education institute that makes admission to and enrolment on the study programme dependent on the successful completion of a preparatory year, assures itself in advance that the international student is expected to successfully complete the preparatory year.
- 4.6 At the time of their enrolment, the education institute will request students whose admission is based on their residence permit to give their written agreement to the procedure by which the institute will revoke their registration with the IND - either with or without prior notification - in the event that the student's enrolment is terminated or that he is not making sufficient progress with his studies, as meant in Articles 5.5 and 5.6.

## **5 RANGE OF STUDY PROGRAMMES FOR AND SUPERVISION OF INTERNATIONAL STUDENTS**

- 5.1 The education institute meets the relevant national legal requirements.
- 5.2 The institute offers international students only genuinely accredited tuition, culminating in the awarding of a degree, as defined by the WHW. Tuition is also available that is based on the law of other countries, if it is accredited there by an accreditation organisation in the field of higher education and whose decisions are recognised by the relevant government.
- Short higher-education level programmes - not preparatory years - are also available to international students, as long as they are related to accredited study programmes that are provided by the same education institute.
- 5.3. The education institute ensures that the teachers have a sufficient command of the language in which the tuition is given.
- 5.4 The education institute makes clear which services it provides to international students in the context of obtaining visas, residence permits, accommodation, making introductions, and organising supervision. In its information material, in accordance with Article 2.1, the education institute states clearly which services it offers in this area and what the related costs are.
- 5.5 At the end of each academic year, the institute establishes what progress each international student has made in their studies (this does not include exchange students). Sufficient study progress is defined as follows: 50% or more of the proportional nominal study load for a full or partial academic year. However, international students must successfully complete the preparatory years.

If a student has not made sufficient progress in his studies, the institute will establish the reasons, by holding a study progress discussion with an academic counsellor, for example.

If it appears that an international student has not been studying enough (or at all), or if the level is beyond his capabilities, his registration with the IND will be revoked within one month (this applies to students who require residence permits). If it appears that there are personal circumstances, as meant in Article 7.51 of the WHW and Article 2.1 of the WHW Implementation Decree, that have resulted in insufficient study progress, binding agreements will be made with the international student in order to ensure that he eventually graduates on time. In such cases, students who require residence permits will not have their registration with the IND revoked.

A decision not to revoke a student's registration at the IND on account of personal circumstances affecting their study progress may be taken only once during each reference period.

The institute records any case of insufficient study progress due to personal circumstances and of the fact that no revocation of a student's registration at the IND was made.

5.6 As soon as the institute establishes that the enrolment of a student who requires a residence permit has been terminated by the student, it will notify the IND of the fact.

5.7 The education institute is obliged to actually provide the tuition it offers. If the tuition is cancelled for compelling reasons, this will happen no later than three months before the tuition was due to start (this does not apply to short courses and tailor-made tuition). If the international student is already in the Netherlands for the purpose of receiving this tuition, the institution is bound to look, in consultation with the student, for a suitable alternative and to inform the student about the relevant procedures to be followed.

## **6 REGISTER OF PARTICIPATING EDUCATION INSTITUTES AND THE DUTIES AND POWERS**

of the register administrator

6.1 The education institute requests the register administrator that it be included in the code of conduct register, which request is accompanied by the signed code of conduct.

6.2 The register is published by the register administrator on its website, in Dutch and in English. The regulations that go with this code of conduct contain further provisions that concern the register.

6.3 The register administrator makes his decision within one month, based on the information provided by the applicant, whom he informs in writing what his decision is.

An application will be rejected if the applicant has not met the conditions and obligations as laid down in the code of conduct, including the accreditation of study programmes by accreditation organisations as meant in Article 5.2. An application will also be rejected if it is submitted before the period as meant in Article 7.8 has elapsed.

6.4 An education institute may be removed from the register at its own request or in accordance with the provisions in Article 7.8 by order of the national committee by the register administrator. Any institute that ceases to exist will also be removed by the register administrator.

6.5 If an education institute is added to or removed from the register, this will be published by the register administrator on his website, and the IND and Nuffic will be notified accordingly.

6.6 Notwithstanding the other duties mentioned in this code of conduct, the duties of the register administrator are as follows:

- a) registering complaints;
- b) drawing up an annual report for adoption by the national committee;
- c) providing information to interested parties.

6.7 Complaints concerning the register administrator may be submitted to the chairman of the national committee, after the internal complaints procedure operated by the register administrator has been exhausted.

## **7 NATIONAL COMMITTEE**

7.1 The umbrella organisations appoint a national committee and describe the powers of the committee in further detail. The umbrella organisations also appoint the members of the national committee, whose period of office is three years. The register administrator publishes information about the composition of the national committee on his website.

7.2 The national committee is independent and consists of five members. The VSNU appoints two members and two deputy members, as does the Association of Universities of Applied Sciences, and the NRTO appoints one member and one deputy member. The national committee appoints a chairman who is not known to the interested parties.

If a request should relate to or emanate from an education institute with which a member has a connection, then said member should stand down in favour of a deputy from a different education institute.

7.3 The national committee has the duty to ensure adherence to the code of conduct and to assess the actions of the education institute in relation to the code of conduct. One of the ways it does so is by treating requests that have been submitted in relation to the code of conduct in accordance with the procedure described in Article 4 of the regulations.

7.4 To put its duties on a more formal footing, the national committee will consult with the umbrella organisations to draw up regulations that will form an integral part of this code of conduct. The regulations will also include how requests may be submitted, how they are dealt with, and what possible sanctions exist in the event that a request is honoured.

7.5 Any party with a direct interest may submit a written request to the national committee concerning the way in which an education institute has conducted itself towards said party or another party against the background of the code of conduct.

Before submitting a request to the national committee, the requesting party must first submit their complaint to the competent authority of the education institute concerned. The education institute shall ensure that existing or any new internal complaints procedures are receptive to complaints in the context of the code of conduct.

7.6 If a requesting party is of the opinion that the education institute has not dealt properly with a complaint, or not within the correct period, or that the institute is not adhering to the code of conduct, he may submit his reasons for his complaint and the response to it by the institute to the national committee in the form of a request.

7.7 If the national committee, after holding hearings for the requester and the education institute, determines that an education institute is not adhering to the code of conduct, it will inform the institute and the requester of its decision and of any consequences that may result from it.

7.8 If the national committee decides to remove the education institute from its register, it will also decide how long the removal will apply, and on the conditions that the institute must meet before being readmitted to the register.

7.9 The national committee informs the education institute, the requester, the IND, and the Ministry of Education, Culture, and Science of its decision in writing within a month after it has been taken.

7.10 The register administrator functions as the secretary to the national committee. The secretary informs the Education Inspectorate of every request to the national committee that has been upheld.

## **8 DATE OF ENTRY INTO FORCE AND AMENDMENTS**

8.1 The amendments to the code of conduct enter into force on 1 August 2014.

8.2 If an interested party proposes an amendment to the code of conduct or if changes to legislation or other reasons make amendments to the code of conduct necessary or desirable, this will be put to the umbrella organisations. Amendments are possible if the national committee has agreed to the proposal by the umbrella organisations, unless there have been legally-binding changes. The register administrator ensures that amendments are published and is responsible for proper distribution of the amended code of conduct.

8.3 An evaluation is held every five years by the relevant institutes, interested parties, and the register administrator of the content and effect of the code of conduct. The code of conduct may be amended as a result of this evaluation, and subsequently be adopted and signed by the education institutes. This process will be initiated by the national committee.

## **LIST OF ABBREVIATIONS**

BZ:	Ministry of Foreign Affairs
CAE:	Cambridge Certificate in Advanced English
CPE:	Cambridge Certificate of Proficiency in English
CROHO:	Central Register of Higher Education Degree Programmes
EZ:	Ministry of Economic Affairs
ESOL:	English for Speakers of Other Languages
FCE:	Cambridge First Certificate in English
IELTS:	International English Language Testing System
IND:	Immigration and Naturalisation Service
Nuffic:	Netherlands Organisation for International Cooperation in Higher Education
NRTO:	Netherlands Training and Education Board
OCW:	The Ministry of Education, Culture and Science
TOEFL:	Test Of English as a Foreign Language
TOEIC:	Test Of English for International Communication
VenJ:	Ministry of Security and Justice
VH:	Association of the Dutch universities of applied sciences
VSNU:	Association of Universities in the Netherlands
WHW:	The Higher Education and Scientific Research Act

# Annex 14

## Facilities Regulation for TU Delft Student Organisations

### **ARTICLE 1** (definitions)

The following definitions apply in these regulations:

- a. standard grant: an annual grant with the aim of maintaining student organisations so that they can continue to carry out their core functions;
- b. innovation grant: a one-off grant for initiating and running new student activities at TU Delft;
- c. fiscal year: the period from 1 January to 31 December of a single year;
- d. student: person who is registered as such at TU Delft.

### **ARTICLE 2** (scope)

1. This regulation applies to funds provided by or on behalf of the Executive Board which are disbursed as grants to student organisations:
  - a. that provide one or more of the following services: representing students' interests, mediation of national and international internships and graduation projects or the integration of international students in the TU Delft community (standard grants);
  - b. that develop innovative activities for students in the Delft community which are not otherwise funded by the university (innovation grant).
2. Grants are only given on the condition that the activities of the student organisation are in accordance with university regulations and policies.
3. This regulation applies only if equivalent funding is unavailable through other TU Delft regulations.
4. Programme-based student societies and participatory councils are not covered by this regulation.

### **ARTICLE 3** (grant limit)

1. The grant budget is established each fiscal year by or on behalf of the Executive Board. Money is reserved for the standard grant fund and the innovation grant fund.
2. Applications for standard grants will be honoured proportionately, as long as the aggregate amount of the applications does not exceed the limit for standard grants.
3. Applications for innovation grants are processed in the order that they are received. They are then sorted in order of importance according to the criteria listed in Article 6. Applications can be declined if the fund limit is reached.

### **ARTICLE 4** (criteria for standard grants)

Student organisations must meet the following conditions in order to be eligible for standard grants:

- a. they must be an association or a foundation with the status of a full legal entity;
- b. the majority of founders and board members of the student organisation must be TU Delft students;
- c. the purpose of the student organisation, as described in its statutes, must be:
  - i. representing student interests, or;
  - ii. mediating in internships or graduation assignments, or;
  - iii. encouraging the integration of international students;

- d. the student organisation must have been established at least two years previously according to its statutes, not including the formation period.
- e. the student organisation must differ sufficiently from other student organisations, thus contributing to the diversity of the student organisations in Delft;
- f. the student organisation may not be financially self-sufficient;
- g. the student organisation must require a real contribution from its members or participants;
- h. the continuity of the student organisation must be guaranteed;
- i. the student organisation must serve the interests of the university as a whole.
- j. If the student organisation is an association, then it must have at least 75 members, of whom 75% must be university students.
- k. If the student organisation is a foundation, then it must have at least 75 participants, members or individuals who are otherwise involved, of whom 75% must be university students. All other cases will be evaluated on the basis of reasonableness and fairness.

**ARTICLE 5** (costs that are eligible for standard grants)

1. The following costs are eligible for standard grants, partly or wholly. The Executive Board decides on providing the grants, and the costs incurred must be reasonable.
  - a. Operating costs for the building where the student organisation is established, consisting of:
    - rent;
    - energy;
    - insurance;
    - taxes;
    - cleaning;
    - maintenance;
    - removal expenses;
  - b. Office expenses including:
    - copying;
    - communication;
    - office supplies.
2. Only actual costs are eligible for grants.

**ARTICLE 6** (innovation grant)

1. Innovation grants are given on a one-off basis to student organisations to support innovative activities for students of the Delft community.
2. In exceptional circumstances, a student organisation which has received a grant on the grounds stipulated in Paragraph 1 may be awarded a continuation grant, provided that the organisation can make a good case for future entitlement to a standard grant.
3. The decision on whether to award a grant will take place on the following grounds:
  - a. the extent to which the activities have a broad support base among TU Delft students;
  - b. the originality and innovative nature of the activities being organised;
  - c. the contribution made to the objective of these regulations;
  - d. a healthy balance among the range of student activities on offer.
4. In addition to the costs stated in Article 5, the costs of organising innovative activities are also eligible for compensation. Article 5 is of corresponding relevance to the reimbursement of costs in connection with the innovation grant.

**ARTICLE 7** (grant application)

1. Grants are awarded on the basis of application.
2. The application must include the following components:
  - a. an activities plan;
  - b. a budget that includes (where applicable):
    - the financial contribution of the organisation itself;
    - the financial contribution sought from the university;
    - the financial contribution of other grant-awarding bodies;
    - the contribution from participants;
    - specification of costs
  - c. the bank account number of the applicant.
3. Only complete applications will be processed.
4. To apply for the standard grant, student organisations must submit their application before 31 October in the previous fiscal year.
5. Applications for innovation grants must be submitted at least six weeks before the start of the activities.

**ARTICLE 8** (non-allocation of grant)

1. Grants will not be awarded or only partially awarded if and to the extent that there are insufficient financial resources available, as described in Article 3.
2. Grants will not be awarded if the condition stated in Article 2, paragraph 2 is not met.
3. Furthermore, the grant can be fully or partially refused if:
  - a. the student organisation or the activity does not meet the conditions contained in these regulations;
  - b. the case made for the activities is not strong enough to suggest that they will actually take place in full;
  - c. the case made for the applicant's ability to meet the conditions attached to the grant is not strong enough;
  - d. the student organisation has been declared bankrupt or if court protection from creditors has been granted or if a request to this effect has been submitted.

**ARTICLE 9** (decision on allocation of grant)

1. A standard grant is awarded for a period of one year.
2. The decision to award the grant states:
  - a. the sum awarded;
  - b. the period for which entitlement to this sum applies;
  - c. the information required and other obligations which have to be met in order to secure the grant.

**ARTICLE 10** (obligations)

1. The student organisation must pursue a correct and transparent financial policy.
2. The organisation will give account of its activities, finances and budget on a yearly basis in the form of an annual report.
3. If a student organisation is dissolved, the board at the time is required to report this fact to the Executive Board without delay.

**ARTICLE 11** (determining the level of the grant)

Having received the information stipulated in Paragraph 2 of Article 10, the Executive Board will determine the level of the grant awarded for each fiscal year.

#### **ARTICLE 12** (withdrawal of or adjustment to grant)

The grant can be wholly or partly withdrawn if:

- a. the recipient has not met the obligations attached to the grant;
- b. the activities have not been initiated, are subject to considerable delay or have been prematurely terminated;
- c. the recipient has provided incorrect or incomplete information while the provision of correct or complete information would have led to a different decision with regard to the awarding of the grant;
- d. the awarding of the grant was not justified while the recipient was aware of this or should have been aware of this;
- e. the recipient no longer meets the conditions as stated in these regulations during the grant allocation period.

#### **PAYMENT AND REPAYMENT**

##### **ARTICLE 13** (advance)

At the recipient's request, an amount up to a maximum of 90% of the total grant awarded can be paid in advance.

##### **ARTICLE 14** (payment)

The grant is paid in accordance with the amount determined, taking into account any advances paid.

##### **ARTICLE 15** (repayment)

The amount determined can be wholly or partially withdrawn and the recipient required to repay all or part of the amount if:

- a. facts and circumstances come to light of which the Executive Board could not reasonably have been aware when the level of the grant was determined and on which grounds the grant would have been lower;
- b. the level of grant determined was not justified and the recipient was aware of this or should have been aware of this;
- c. the recipient did not meet the obligations attached to the grant once the level was determined.

#### **TRANSITIONAL AND FINAL PROVISIONS**

##### **ARTICLE 16** (hardship clause)

In cases where the strict application of the regulation would lead to inequity, the Executive Board may deviate from the regulation.

##### **ARTICLE 17** (revocation and transitional provision)

1. The Facilities Regulation for Student Organisations has been revoked, taking the stipulations of the following paragraph into account.
2. For student organisations or student activities which were entitled to a grant on the basis of the Facilities Regulation for Student Organisations but which no longer receive this entitlement based on the TU Delft Facilities Regulation, the Facilities Regulation for Student Organisations will remain in force up to and including 1 September 2009.

##### **ARTICLE 18** (entry into force)

This regulation comes into force on the first day after the date of publication of the weekly TU Delft news magazine Delta which announces the regulation. The regulation applies retrospectively from 1 September 2008.

##### **ARTICLE 19** (official title)

This regulation is referred to as the Facilities Regulation for TU Delft Student Organisations.



## EXPLANATORY NOTES

TU Delft contributes in many ways to the welfare and education of all students, in all facets of university life. This is part of the university's statutory mission, as laid down in Art. 1.4, para. 3 of the WHW. The provision of services to students and the facilitation of student organisations are tools that serve this objective. The updated facilities regulation focuses on the latter tool: providing support for student organisations. The objective of the facilities regulation is to enable student organisations to operate on a financially-sound basis. The organisations represent students' interests, mediate in assignments, and create social ties between international students among themselves or with the university in generally (standard grant). The regulation also provides cash allowances for new student initiatives (innovation grant).

The regulation compensates student organisations for rent and office expenses (Article 5). The Facilities Regulation is not intended for consultative bodies, study associations or sporting and cultural activities run by student organisations, for which TU Delft has separate schemes, such as the Graduation Support Scheme (contribution towards living costs for students serving as members of a consultative body or study association, for example) and sponsorship schemes for sporting and cultural activities. See Art. 2.

The eligibility criteria for financial compensation are clearly set out (Art. 4 and 6), as is the way in which the available budget is distributed among the officially-recognised student organisations (Art. 3). The criteria are specifically defined in art. 4. The criterion under f ('not financially self-reliant') means: no commercial exploitation. The criteria for innovation grants in Art. 6 require a more discretionary assessment by the EB, thereby giving the board a certain measure of freedom in its allocation decisions. In principle, the innovation grant is a one-off grant for an innovative initiative, but can also serve as a start-up grant for new initiatives that may later become integrated into the fabric of university life. This is why Art. 7, para. 2 provides for a potential continuation grant, but the student organisation in question must demonstrate that it is capable of organising valuable activities into the future, and by doing so eventually become eligible for a standard grant.

Organisations are asked to submit their plans and budget (Art. 7) beforehand as well as their post-activity balance (Art. 10), which will lead to a more solid relationship between the partners in the grant process.

A maximum budget of €60,000 is available, for the 2016/2017 academic year, for the regulation, of which 75% will be allocated for grants for existing student organisations or their initiatives, and 25% will be made available for new initiatives of student organisations. The budget for standard grants will be allocated proportionally. Applications for innovation grants will be assessed with a specific focus on the degree to which the initiative addresses the common good of the university community (see Art. 3). Applications may be submitted to the Central Student Administration, Jaffalaan 9A, 2628 BX Delft. The formal decision will be taken by or on behalf of the EB. Budgetary insolvency is one of the potential grounds for declining an application (Art. 7).

The starting point for the provisions concerning the awarding of grants, the levels of grants, repeal, modification, payment and repayment (Articles 9 and 11 to 15) was the grant section of the Dutch General Administrative Law Act.

# Annex 15

## Implementation of the Binding Recommendations on Continuation of Studies at TU Delft

### 1. BINDING RECOMMENDATION ON THE CONTINUATION OF STUDIES (BSA)

The Higher Education and Academic Research Act (WHW) provides universities with the power to issue negative binding recommendations on continuation of studies (BSA) to first-year students. This means that the university may use BSA to remove a student from the Bachelor's degree programme in which he is enrolled or any other programme: the student will not be allowed to continue on the programme he is enrolled in. The BSA therefore amounts to a ruling.

Every Bachelor's student must obtain at least 45 ECTS in the first year of their Bachelor's programme in order to be able to continue with the programme. These 45 credits represent three-quarters of the total number of credits that can be obtained in the first year. If this minimum is not met, the student will not be able to enrol for the same programme for a period of four years following the year in which the BSA was issued.

### 2. BSA IMPLEMENTATION

The BSA applies to all first-year students who are enrolled on a first-year Bachelor's degree programme for the first time.

- a. No distinction is made between majors or minors or a first or second degree. For each programme on which a student is enrolled, he will receive a BSA for the first year.
- b. Students who terminate their enrolment before 1 February will be exempted from BSA. If the student registers for the same programme in the next academic year, he/she will be regarded as a first-year student and will be subject to the provisions of BSA.
- c. Students who terminate their enrolment after 1 February and have obtained less than 45 ECTS will receive a BSA.
- d. Exceptions can be made for students who have not obtained the minimum number of credits due to extenuating personal circumstances and for students who registered after 1 October (for example, those switching programmes mid-semester) and have not earned the minimum number of credits (see par. 6).

### 3. RESPONSIBILITY FOR BSA

The dean issues binding recommendations on continuation of studies. He is advised by the faculty BSA committee consisting of at least three academic staff members and an Academic Counsellor acting as an advisory member.

### 4. INFORMATION ON STUDENT SUPERVISION

At the start of every Bachelor's programme, first-year students are informed about how student supervision is organised.

This plan contains the following:

- How first-year students are introduced to the degree programme
- Further information about mentorship
- The contact details of academic counsellors
- The moments at which formal recommendations are issued
- The criteria for these recommendations

- What a student should do if he or she believes that there are personal circumstances that influence his or her student progress
- Further student support and guidance provided by the department

## 5. ADVICE MOMENTS

There are three BSA advice moments during the first year:

March: An interim recommendation is given on the basis of the results from the first semester. This gives an indication to the student of whether he will obtain the required 45 credits, with a warning if it looks as though he may not do so.

Early August: The recommendation is based on the results from the first and second semesters. Students who at this time who have obtained at least 45 credits will be given a positive BSA. Students who have obtained less than 45 credits will be informed that it is proposed to give them a negative BSA. They will be given the opportunity to have a hearing by the BSA committee.

End of August: Based on the entire first year, including the August exams, students who have not yet received a definitive BSA will now be issued one. The BSA will be issued by 31 August at the latest.

All recommendations are issued in writing and sent to the student TU e-mail address. Definitive BSAs are also sent by post. The programme offers students with unsatisfactory study progress a support interview; the letters also include an indication of what facilities are available for support and guidance.

## 6. PERSONAL CIRCUMSTANCES

According to the WHW, the BSA must take extenuating personal circumstances into consideration. These personal circumstances are upheld if it can reasonably be assumed that the student in question would have achieved the standard had the circumstances not been present. This means that personal circumstances do not automatically lead to postponement of the BSA.

Students who enrol after 1 October are subject to the 45 credits rule and their BSA will not be deferred. However, the BSA committee may advise the dean to make such a deferment if the late enrolment has had a significant impact on the student's progress.

Procedure for personal circumstances

1. The student reports to the academic counsellor in good time that there are extenuating personal circumstances that may affect his/her studies.
2. Personal circumstances are defined as follows:
  - a. Illness;
  - b. Pregnancy;
  - c. Physical, sensory or other functional disability;
  - d. Exceptional family circumstances;
  - e. Falling behind in studies as a result of the way in which the institute organised the programme;
  - f. Membership of an administrative body (Student Council, Faculty Student Council, Board of Studies, or of a student association recognised by the Graduation Support Scheme);
  - g. Athletes with a TU Delft top-level athlete status.
3. In the first year at TU Delft, board membership as mentioned in Paragraph 2 is of such a limited scope that BSA deferment due to this category of extenuating personal circumstances is not an option, with the exception of membership of the Board of Studies.

4. Personal circumstances must be reported to the Academic Counsellor as soon as possible after the circumstances arise. In the case of 2.e, the circumstance should be reported to the relevant programme coordinator or director of studies as soon as it manifests itself.
5. Students are themselves responsible for applying for a deferment of the BSA to the BSA committee.
6. If the BSA committee finds that the extenuating personal circumstances have significantly affected the study progress, then the committee may advise the dean to defer the BSA. This means that the student will not receive a negative BSA, but that the BSA will be deferred. In his second year of study, however, the student must obtain 45 credits from the first-year curriculum in addition to any credits already obtained, or obtain any remaining credits from the first year, so that the first year is complete, if he has obtained more than 15 credits from the first year.

#### **7. PERSONAL CIRCUMSTANCES AND THE GRADUATION SUPPORT SCHEME (RAS)**

If the student's progress is delayed as a result of personal circumstances he or she can, under certain conditions, make a claim under the RAS. Given the different objectives and assessment frameworks of the BSA and the RAS, a RAS allocation does not necessarily mean a BSA deferment, and vice versa.

#### **8 EXEMPTIONS FOR STUDENTS SWITCHING PROGRAMMES**

Students who switch programmes should, in the first year of their new Bachelor's programme, obtain at least 45 credits from the relevant programme to be able to continue the programme. If a student has curriculum exemptions, these may:

- a. Count towards the BSA minimum if the activity for which the exemption was granted took place in the same academic year as covered by the BSA.
- b. The exemptions may not be counted if the activity on the basis of which the exemption was awarded took place prior to the academic year for which the binding recommendation on the continuation of studies was issued.

# Annex 16

## Implementation of Modern Migration Policy at TU Delft

### **1. MODERN MIGRATION POLICY ACT (MOMI)**

The Modern Migration Policy Act (Wet Modern Migratiebeleid - MoMi) came into effect on 1 June 2013. The Act stipulates that TU Delft must allow those applying for a residence permit to use the accelerated admission procedure. In addition, the permit can be granted for the duration of the study programme plus an additional three months (with the option for annual renewal). In the event of unsatisfactory study progress, the residence permit can be withdrawn. TU Delft is obligated to report unsatisfactory study progress to the IND.

### **2. MOMI APPLICATION**

Dutch legislation on foreigners makes it compulsory for institutions to determine the annual student progress of international students with a study visa.

The standard for determining satisfactory student progress has been set by ministerial order (Government Gazette 2013, 15622) and is based on the Code of Conduct international student higher education: 50% or more of the proportional nominal study load for a full or partial academic year is considered satisfactory study progress. In other words, obtaining 30 ECTS or more per year is satisfactory for a full-time study programme. Where appropriate, any references below to 30 ECTS should be taken to mean '30 ECTS or a proportional part thereof'.

If this standard is not achieved, TU Delft will notify the IND of the student's lack of progress at the latest by 1 October of the subsequent academic year. The student must then terminate his/her registration at TU Delft.

This standard does not apply to a preparatory year: international students must successfully complete this year.

### **3. MOMI RESPONSIBILITY**

The recommendation to revoke the residence permit will be given by the Head of the International Office. He is advised in this matter by a committee consisting of at least one student counsellor and one study advisor.

### **4. RECOMMENDATIONS ON STUDY**

There are two formal occasions in the academic year when study recommendations are issued:

March: Based on the results from the first semester. This recommendation contains a warning for the group at risk and a call for a progress interview with the academic counsellor/Master's programme coordinator.

September: Intention of whether or not to notify the IND based on student progress during the complete previous academic year.

Students are given one week to submit objections, including personal circumstances, to the academic counsellor. The Head of the International Office then has until 30 September to determine the definitive recommendation, having taken advice from the student counsellor. At the same time, ES&A will submit any necessary report to the IND.

The following situations and actions are possible:

\* SV  $\geq$  50%: letter to student. No notification to the IND.

\* SP < 50% and no response from the student: letter to student and notification to IND.

\* SP < 50%, student has objections concerning the number of credits or invokes personal circumstances.

- Objections upheld: letter to student. No notification to the IND.

- Rejected: letter to student and notification to IND.

All recommendations are issued in writing. The letters will specify the study support possibilities.

## **5. BINDING RECOMMENDATION ON THE CONTINUATION OF STUDIES (BSA)**

If an international student starts a Bachelor's programme, the BSA standard of 45 ECTS also applies to the first year. If a student earns between 30 and 44 ECTS, he or she must leave the programme at TU Delft and will be deregistered at the IND. The student could transfer to an alternative study programme and will be responsible for personally taking the necessary steps in liaising with the new institution and the IND.

## **6. PERSONAL CIRCUMSTANCES**

Carrying out the check of study progress must take account of personal circumstances, as described in the Higher Education and Research Act (WHW). These personal circumstances are upheld if it can reasonably be assumed that the student in question would have achieved the standard had the circumstances not been present. This means that personal circumstances do not automatically lead to the student progress standard being disregarded. The same personal circumstances can only serve as grounds for deferral once per referee period (this is the period of enrolment at a single institute of education or the duration of the study programme).

Procedure for personal circumstances

1. Within 1 week of the intention to deregister being issued, the student reports to the academic counsellor in his or her department that there were personal circumstances in the previous academic year and that these may have negatively affected their study.
2. The WHW defines the following as personal circumstances:
  - a. Illness
  - b. Physical, sensory or other disability
  - c. Exceptional family circumstances
  - d. Pregnancy and childbirth
  - e. The way in which the institution actually provides the programme
3. The student must submit any relevant documentary evidence to the academic counsellor.
4. The academic counsellor records the fact that there are personal circumstances.
5. Personal circumstances must be reported as soon as possible after the circumstances arise.
6. At the end of the academic year, the academic counsellor submits all cases of students with personal circumstances who have obtained fewer than 30 ECTS to the student counsellor.
7. If the student counsellor judges that the personal circumstances have affected study progress to such an extent that the standard of 30 ECTS was not feasible, he or she can advise the Head of the International Office to grant the student deferral from meeting the standard. This means that the student will not be deregistered. According to the regulations, each personal circumstance may only serve as grounds for deferring the obtaining of the standard once per referee period.

# Annex 17

## Code of Ethics

### 1. INTRODUCTION

Modern universities of technology have a great impact upon society. Society expects universities of technology to be organisations where new generations of ethically responsible engineers are educated, and that this is accomplished in a context informed by the unfettered pursuit of knowledge. TU Delft wants to engage in a process of constant critical reflection on its contributions to society, its own missions and responsibilities, in light of the new problems and challenges confronting us all.

Engineers act both in and upon the world, affecting the lives of people. TU Delft recognises this. The staff, students and guests<sup>1</sup> of TU Delft therefore have an ethical duty to behave accordingly. This duty applies equally – in different forms – to all who form part of its academic community: academic staff, support staff, guests and students. This Code of Ethics formulates the aspirations, responsibilities and rights that ought to inspire and guide all those working within our university in their various roles, as scientists, support staff, guests and students.

TU Delft strives to be articulate and explicit with respect to its ideals, values, principles and responsibilities, as well as the means it uses to put its vision into operation in everyday situations.

The aim of this Code of Ethics is to state our aspirations unambiguously, in such a way that those who form part of our community can find inspiration and guidance in them and that those who collaborate with employees and students of TU Delft and those who are about to join its workforce or study here gain a clearer picture of TU Delft's objectives and of the ethical dilemmas that are involved in realising them.

<sup>1</sup> The guests referred to in this Code of Ethics are people to whom TU Delft provides hospitality by means of a so-called hospitality declaration. A hospitality declaration is used in cases where a person is not employed at TU Delft but who does have access to its facilities.

### 2. TU DELFT - VISION, AMBITION AND MISSION

#### 2.1 Vision

In our strategic plan - Roadmap TU Delft 2020 - the vision is stated that the increasing number of people on the planet and the struggle to achieve ever-higher levels of prosperity raises major issues for society. Technology is essential in answering these, as is the underlying scientific knowledge generated and disseminated by modern universities of technology. Today's university of technology is a source of new scientific insights and pioneering technologies. It also trains scientists and engineers, offering them a broad academic basis. As such, it is a catalyst of innovation and economic growth.

With their advanced expertise and know-how, engineers are vital to our society and economy. They are the people who develop the science-based technological solutions that help improve millions of people's lives. As one of the world's leading training grounds for these engineers, TU Delft defines its role in society as supplying solutions that take us further along the road towards sustainability and a healthy economy. We position ourselves as an open academic community which, through its academic staff and graduates, is represented throughout the world and is deeply rooted in our own regional and national, social and economic environment.

## 2.2 *Ambition*

In the context of this vision, TU Delft has the ambition to remain a university of technology with a leading global reputation. TU Delft seeks to offer a complete range of high-quality disciplines, study programme and unique facilities in the field of engineering sciences. Collaboration is based on our strong identity and reputation. TU Delft wants to be a breeding ground for cutting-edge technological scientific developments to meet the great societal challenges of our age.

TU Delft aims to be a university that is regarded by the private sector as a source of high-quality engineers and doctors, and as an outstanding and innovative collaborative partner, based on knowledge acquired through a desire to contribute. In other words, as a university where new business activities are allowed to blossom and where the research and teaching have a significant impact on the competitive economic environment.

TU Delft aims to be a university where scientists and students operate on the basis of inter- and multi-disciplinarity, and where science, design and engineering are dominant aspects of its teaching and research. We wish to be an inspiring, progressive and gender-aware institution, attracting the world's best scientists and most gifted students in the knowledge that their talents will be allowed to develop to the full here.

## 2.3 *Mission*

TU Delft contributes to a sustainable society in the 21st century in a substantial way by carrying out ground-breaking technological scientific research that enjoys a worldwide reputation, by educating engineers and doctors who are fully engaged with the challenges facing society, and by helping to translate knowledge into economic and socially useful technological innovations and activities.

## 3. *Core values*

Universities thrive where intellectual and academic freedom, integrity, respect, the pursuit of knowledge and scientific expertise combine to produce new knowledge and disseminate it, introducing it to the wider world. The core values of TU Delft are respect, integrity, expertise, commitment and transparency. In addition to this, an important principle is the avoidance of any semblance of conflict of interest.

The modus operandi at TU Delft is that of trust. Trust means that every member of our community is expected to comply with the core values, to draw inspiration from them and to feel responsible for upholding them. All at TU Delft should act with a sense of social responsibility and be aware of technology's value to and impact upon society.

Every employee, student and guest is open about their various roles and how they are fulfilled. TU Delft often operates on the interface of the public and private sectors. Avoiding any semblance of conflict of interests is therefore a key guiding principle for us. TU Delft is a learning organisation, with a culture in which learning from good experiences elsewhere as well as from things that have not gone well is a shared value.

### 3.1 *Respect*

Employees and students of TU Delft respect each other's individual qualities. Freedom to excel is all-important, both for the academic and the support staff. Respect implies that people are never treated merely as means towards the attainment of personal or organisational goals. It implies that employees will not demean, humiliate or manipulate others. They respect the freedom of others and will not intentionally harm others or TU Delft as an organisation. Employees and students accept others as they are and will not insult, discriminate against or intimidate others, sexually or otherwise.



### *3.2 Integrity*

Integrity means being independent, honest and sincere. A person of integrity acts according to norms and values, even if that means that the interests of society, the university and others override personal interests. Integrity enables people to evaluate ethical issues, which often occur on the basis of previous experience. Members of staff and students of TU Delft respect privacy and confidential information, and are prepared to take responsibility for their own actions. These actions should be focused on realising the goals of the university, while taking into account the values, interests and needs of others. Integrity is primarily a personal quality that cannot be taken for granted, and therefore those in managerial positions and roles have a responsibility to ensure that people act with integrity.

### *3.3 Expertise*

In order to provide the excellent education and research that affords TU Delft its place among the top universities of technology in the world, many demands are made on its employees. It is a combination of expertise, excellent personal skills and professionalism that makes it possible for TU Delft to achieve its goals of excellence in research and teaching. The university asks of all of its staff that they do their utmost to ensure that they are well informed in terms of their field and function. Employees of TU Delft want to be at the forefront of knowledge production and cutting-edge research, provide inspiring education and support each other optimally. This is all in the interest of our university as a whole.

### *3.4 Involvement*

TU Delft aims to make a significant contribution at both national and international level to the development of solutions to major societal issues. A key part of this vision consists in realising world-class multidisciplinary research with a view to sustainability. Students as well as employees are responsible for achieving the goals of the university. They translate the social responsibility of TU Delft into its educational programmes, research, design, student projects and the activities of the support staff. They show an active interest in university policies; an interest that expresses itself in participation in representative organs for employees and students, work councils, other committees and in the attendance of university gatherings.

In addition to the involvement that our staff and students have for society, our involvement is also expressed in the way we relate to each other. We inspire each other and are prepared to offer and receive constructive criticism, thus improving the quality of work and education.

### *3.5 Transparency*

TU Delft is an open academic community. It creates an environment where employees, students and guests communicate with each other openly. This openness ensures that the education, research and valorisation as well as the administrative and decision-making processes are verifiable at all levels of the university.

Employees and students of our university are accountable for their actions. They are able and willing to publicise their considerations and choice to each other and to the outside world, not for the purpose of self-justification, but as an opportunity to learn how to better understand each other. Those in managerial positions and roles are responsible for creating a safe environment in which employees and students feel responsible and accountable. They encourage their employees to be open to criticism and willing to offer criticism when necessary.

### *3.6 Avoidance of Conflicts of Interest*

A conflict of interest occurs when an individual's duties with respect to the University come into conflict with either personal or external professional interests. Every member of the university community must ensure that there is no semblance of any conflict of interest. All staff, students and guests are open about their various roles and how they are carried out. This also means that they act with caution when taking on various roles and always weigh up the public interests and those of TU Delft in this against the benefits of

their participation. For example, a decision taken in the context of the daily affairs at the university which is excessively influenced by a possible personal interest may constitute a conflict of interest and raise ethical concerns. The best approach is generally to maintain transparency and report potential conflicts of interest to the management.

People who work or study at TU Delft:

- have respect for others;
- carry out their duties with commitment, transparency and integrity;
- contribute to an inspiring work and study environment by utilising their expertise;
- trust each other and avoid conflicts of interest.

#### **4. ROLES AND PARTIES**

Chapter 3 contains the core values that ought to guide the behaviour of everyone who forms part of the TU Delft community. This chapter translates these core values to TU Delft as an organisation, its members of staff and its students.

##### *4.1 TU Delft*

TU Delft is responsible for the conditions under which employees and students work and bear responsibilities. In order to fulfil that responsibility, the university must be proactive and aware of the fact that the policies and incentive structures it puts in place are essential to stimulating the desired behaviour.

In order to encourage the aspirations, responsibilities and rights formulated in this Code of Ethics, TU Delft uses an ethical 'infrastructure'. It also establishes and maintains a website that provides a clear overview of this ethical infrastructure, i.e. its values, principles, codes, normative policies and the institutional mechanisms which aim to implement them. Furthermore, the following values are among the most prominent ones to which the university is committed.

##### *4.1.1 Personal development*

Every person working or studying at TU Delft is offered the opportunity to keep their skills and competencies up to date in a dynamic environment through training and personal development. The university respects the autonomy and privacy of employees and students as it believes that these are resources that aid self-reflection, self-assessment and personal growth.

##### *4.1.2 Cooperation*

In order to achieve collective goals and synergy between different parts of the organisation, the university encourages cooperation among its employees and between employees and students. Knowledge thrives in an atmosphere of openness where joint research is carried out. Science, engineering and design are, in important respects, social and collective endeavours, in which trust, collaboration and the sharing of knowledge and information are essential to achieving excellence.

##### *4.1.3 Being a good employer*

Employees are challenged to develop themselves, to enhance their professional qualities and to improve their competencies. Result & Development interviews (appraisals) serve as an important tool for providing a fair insight into performance and prospects. Employees are rewarded fairly by way of payment and professional attention for their work. The board of the university is committed to providing equal opportunities for job advancement, and in those cases where equality is not yet the norm, for instance in the case of representation of women in academic positions, affirmative action will be taken.

##### *4.1.4 Being a good teacher*

TU Delft offers its students high-quality teaching rooted in leading scientific research. We train our students to think critically, take initiative, act independently, and work in multidisciplinary project teams. During their studies, students develop an

insight into ethical and social developments and relationships. Teachers challenge, motivate and encourage curiosity in their students. Information on the curricula and facilities of TU Delft is clear, complete and easily accessible.

#### *4.1.5 Information and participation*

TU Delft provides its employees and students with clear information and opportunities to stand up and be heard. It informs them in a timely manner so that they can fulfil their responsibilities and achieve their goals.

#### *4.1.6 Facilities*

TU Delft is responsible for providing suitable workplaces and study environments. Sustainable solutions are always the preferred option.

The university provides its students and employees with:

- Equal opportunities for personal development and cooperation;
- A sustainable working environment and a stimulating study environment;
- Involvement and a right to be heard in decision-making processes.

#### *4.2 Employees*

We consider a fair and critical appreciation of each other's work to be an aspect of civilised behaviour. Treating each other with respect and fairness, aiming to communicate clearly and openly, helping each other, and striving for a healthy team spirit are highly valued qualities. All employees set an example for their colleagues, students and guests of TU Delft, with regard to open communication, calling each other to account on behaviour and dealing responsibly with ethical aspects of their professional and study fields.

These qualities make an important contribution towards creating an inspiring and innovating university environment.

##### *4.2.1 Managerial positions and roles*

Those in managerial positions and roles have an exemplary function when it comes to their conduct. They set clear goals, they encourage employees to perform well, they create an environment for inspiring cooperation in teams and they admonish employees who conduct themselves in unacceptable ways. They welcome criticism and suggestions from employees.

##### *4.2.2 Academic staff*

Academic staff apply the core values in their role as researcher as well as in their interaction with their students and colleagues. They strive to present excellent and innovative contributions to their field and bring those to the attention of their peers and of a larger audience. They are aware of dilemmas and the social dimensions of work in their field and take care to execute their research meticulously. They shall strive to avoid potential conflicts of interest, bringing any such conflicts to the attention of the university as quickly as possible.

Academic freedom is guaranteed within the national legal framework, strategies, research programmes, and curriculum. Integrity and open acquisition of information are essential for the reputation of science, and researchers act accordingly.

In their role as educators, members of the academic staff strive to ensure the high quality of course content as well as good didactic skills. Students attach great importance to the quality of the teaching and the enthusiasm of the teacher. In response, teachers strive to improve themselves. Teachers treat students respectfully. They clearly state what is expected of students, and they admonish students when their behaviour is unacceptable. Teachers will make sure that assignments and exams are

in line with the objectives of the course and that students are assessed conscientiously. They prevent students from unfairly benefiting from others' efforts as much as possible. They stick to their lecture schedules, keep their appointments, welcome constructive criticism and make themselves available to students personally and via e-mail during reasonable hours.

Our academic staff are familiar with The Netherlands Code of Conduct for Scientific Practice, other professional codes that could apply to their fields and the ethical infrastructure of TU Delft in general, as published on the website and other relevant publications. The principles outlined therein may be interpreted as general guidelines that indicate what the exemplary practice of science entails, and the need for scientific proceedings to be transparent.

#### *4.2.3 Support staff*

Individual development and personal motivation are coupled with a constant alertness to opportunities for improvement, for promoting efficiency and for developing a results-oriented approach. This focus on the core values is characterised by expertise within their field, customer satisfaction, service orientation and helpfulness.

#### *4.2.4 University resources*

Employees are careful and efficient in using, keeping and maintaining university resources, such as budgets, computers and networks (see the TU Delft Regulations for the use of Computer and Network Facilities). The same applies to confidential information.

#### *4.2.5 Secondary employment*

Employees who take on other paid and unpaid duties and receive remunerations ensure that these are not at the expense of or at variance with their professional duties at TU Delft, and that they do not compromise their impartiality and independence. Secondary employment may not adversely affect the scientific or business interests of the university. Procedures for obtaining permission for various types of ancillary work are part of the publicised regulations and procedures of TU Delft (TU Delft Regulations on Secondary Employment).

#### *4.2.6 Whistle-blowing*

There are accepted and established procedures for ensuring that serious violations of ethical rules are properly handled (TU Delft Regulations for Whistle-blowing). These are part of the publicised regulations and procedures of TU Delft. These procedures are not at variance with the principle and practice of mutual trust, but are put in place to address injustices and violations of law, regulations, codes of conduct and this Code of Ethics that may otherwise go undetected. These mechanisms are meant to protect both the person who is taking steps in response to this violation and the person who is alleged to have violated ethical rules. Autonomy and integrity of the grievance process requires that those suspected of wrongdoing be regarded as innocent until proven otherwise and be treated with respect. The complaints and inquiry procedure must be kept confidential, until a formal response is given. Everyone will abide by the formal process and propagate the ethical guidelines, both in their informal, day-to-day application and through formal inquiry and adjudication procedures.

TU Delft employees:

- conduct themselves fairly and respectfully towards each other and towards students;
- Aim for high quality and for improvement at all times;
- Treat university resources with care.

### *4.3 Students*

Those who study at TU Delft are preparing for a career and a responsible position in society. This requires intellectual curiosity, active participation in courses and extracurricular activities, and an optimal effort to obtain good results in their studies.

#### 4.3.1 *Autonomy*

Students choose their own path through the available curricula, and make sure they know what is expected of them. Students learn to work independently, to solve problems, and to be meticulous in gathering information. Students at all levels are familiar with the published policies on plagiarism and cheating at the university. They prepare for exams with due care. In group assignments they have an active and cooperative attitude and share the work equally. When students become aware of individuals profiting unfairly from others' efforts, they will challenge them about this. PhD candidates are taught the standards of scientific integrity and are expected to apply these in their work.

#### 4.3.2 *Active participation*

Students actively participate in their studies. By asking analytical questions and conducting well-argued discussions, they stimulate each other and their teachers. This requires a thorough preparation for seminars. Students actively contribute to a sustainable society.

#### 4.3.3 *Pro-social attitude*

Respect is paramount in communications between students and employees. This is expressed in the style, tone and form of e-mails and direct contacts. Students are willing to help each other without being afraid of being unfairly judged by others. They refrain from behaving in such a way that hampers fellow students or impedes the quality of the course. They respect each other's property and refrain from psychological and physical violence, discrimination and harassment.

#### 4.3.4 *Educational resources*

Students treat university resources, such as computers, the library, lecture halls etc., with care. See the TU Delft Management Regulations for the Use of Educational ICT Facilities by Students and TU Delft Regulations for the Use of Buildings, Premises and Facilities by Students and Visitors ('House Rules').

TU Delft students:

- Behave fairly and respectfully to each other and to university employees;
- Get the best out of themselves by actively participating in their education and extracurricular activities;
- Stimulate each other and their teachers by asking analytical questions and conducting well argued discussions;
- Respect each other's and university property and resources.

## 5. ADDITIONAL CODES

In addition to this code, TU Delft is bound by a number of other specific codes that have been established by the Association of Universities in the Netherlands (VSNU). This Code of Ethics is complementary to these.

The codes that apply are:

- Code of good governance (June 2012)
- International students in Dutch higher education (February 2006)
- Use of personal data in scientific research (December 2005)
- The Netherlands Code of Conduct for Scientific Practice (January 2005, with amendments from 2012)
- Intimidation (sexual or otherwise), aggression, violence and discrimination, according to Article 2, Collective Labour
- Agreement of Dutch Universities (January 2000).
- Other relevant TU Delft Regulations are:
  - TU Delft Regulations for Complaints concerning Undesirable Behaviour
  - TU Delft Regulations for Whistle-blowing
  - TU Delft Ancillary Activities Regulations

- TU Delft Regulations for the Use of Computer and Network Facilities
- TU Delft Management Regulations for the Use of Educational ICT Facilities by Students
- TU Delft Regulations for the Use of Buildings, Premises and Facilities by Students and Visitors
- ('House Rules')

Furthermore, additional codes exist in various fields of science, like biotechnology, by which the employees of TU Delft are also bound. This Code of Ethics should be interpreted as the standard of behaviour for members of the TU Delft community.

An 'Integrity Website' has been constructed, which explains all the relevant regulations, and points out how they are interrelated. It also includes the contact details of the various committees and contact persons. [www.integriteit.tudelft.nl](http://www.integriteit.tudelft.nl)

# Annex 18

## Implementing policy on top-level sporting activities

### INTRODUCTION

TU Delft supports students who combine their studies with top-level sporting activities and invests in the development of talent in and outside the lecture halls. In a culture in which achievement and excelling are key, students involved in top-level sporting activities are a special group that are commended worldwide for their achievements and are valuable current and future international ambassadors of TU Delft. The combination of study and top-level sporting activities also makes these students an attractive prospect for the labour market, as they often excel in their determination, discipline and results-orientation. Having said this, it is often difficult for them to combine a normal curriculum with a top-level sports training programme. Combining two full-time activities, one of which being an intensive technical degree programme in Delft – involving a large number of tutorials and laboratory courses – students often experience delays to their study progress.

Institutional policy has been formulated with this excellence in mind, but also with due regard to the social responsibility the institution has to make it possible for young athletes to complete an academic study in Delft.

The object of this appendix is to offer top-level athletes educational facilities that enable them to finish their studies in a reasonable period of time while also continuing to do their specific sports. This approach is open to students with an NOC\*NSF status and aspiring top-level athletes. By opening up these facilities to individuals other than just NOC\*NSF athletes and, as such, by supporting the very best athletes, aspiring top-level athletes are given the opportunity to achieve NOC\*NSC status.

This top-level sport approach is designed to help recognised top-level athletes who are studying at TU Delft to achieve study success and avoid any unnecessary delays. The help on offer also takes the form of financial support and the use of sports facilities.

### THE RECOGNITION PROCEDURE

To be considered eligible for the top-level sport approach, a student must do the following:

- 1 Submit an application to the top-level sports coordinator each year for recognition as a top-level athlete (see the form).
- 2 Before the academic year starts, make an appointment to see an academic counsellor to put together a study programme for the academic year in question.

Applications that relate to past academic years will not be accepted for processing.

### WHAT KIND OF SUPPORT IS AVAILABLE?

The support available is as follows:

- Customised student support and guidance, with special consideration for the following provisions:

- o an alternative BSA standard
- o interim assessment
- o compulsory presence
- o examination

It will also be possible for these students to

- utilise facility support (the use of facilities offered by the Unit Sports & Culture)
- submit an application for assistance under the Graduation Support Scheme (Regeling Afstudeersteun Studenten (RAS))

#### *Customised student support and guidance*

All recognised top-level athletes are entitled to 'customised student support and guidance'. Students will be required to prepare an integrated sport and study plan in consultation with their academic counsellors before the start of the academic year in question. This plan will seek to achieve an optimal alignment between study and sport: particular attention will be paid to the problems that a student and academic counsellor are able to anticipate.

With customised student support and guidance in place, the Board of Examiners will be able to decide to derogate from the BSA standard, with the intercession of the academic counsellor. Besides the above, agreements may be made on interim assessment, compulsory attendance and examination: all of the above in consultation with the academic counsellor.

#### *Facility Support (use of the facilities offered by the Unit Sports & Culture)*

All recognised top-level athletes will be able to use the training facilities offered by the Unit Sports & Culture free of charge

#### *Graduation Support Scheme (RAS)*

If recognised top-level athletes sustain a delay to their studies, they will be able to apply for assistance under the Graduation Support Scheme.

### **AMBASSADORSHIP**

All recognised top-level athletes are willing to act as ambassadors for TU Delft. Separate agreements are made with individual top-level athletes in this respect.