



# Division Council Regulations International School Utrecht Primary & Secondary

## Preamble

Consulting the collaborating school boards (SPO Utrecht and NUOVO), together with the ISUtrecht leadership team resulted in a framework for the participational structure of the International School of Utrecht and its associated tasks and powers. After this consultation and together with the head of school, Division Council Regulations have been drawn up. These regulations came into effect on 1 July 2016.

The Division Council Regulations will be reassessed after the outcome of an investigation of the PO Raad (the council for primary education) regarding the legal structure of a mixed Division Council (primary education, secondary education).

## Section 1 General

### Article 1 Definitions

The below terms are defined in the Regulations as follows:

- a) The Act: The Participation in School Decision-making Act (Stb.2006, 658);
- b) The association:  
Primary: Stichting Openbaar Primair Onderwijs Utrecht;  
Secondary: Stichting Openbaar Voortgezet Onderwijs Utrecht (NUOVO scholengroep);
- c) Director: the head of the International School Utrecht representing the association;
- d) School:  
Primary: Daltonschool Rijnsweerd  
Secondary: UNIC
- e) Division:  
Primary: The International Department of Daltonschool Rijnsweerd;  
Secondary: The International Department of UniC;
- f) Participation Council ('PC'): the participation council of the school as defined in Article 3 of the Act;
- g) Division Council ('DC'): the division council of the division as defined in Article 20 (1) of the Act;
- h) Students: Students at the division as defined in the Secondary Education Act;
- i) Parents: the parents, guardians and caregivers of the students;
- j) Staff: staff either employed by, or who have carried out at least six months' work without appointment for, the association and who work at the division;
- k) School management: The director and the principals of both divisions;
- l) Section: The separate groups of members as defined by Article 3 (3) of the Act.

## Section 2 The division council

### Article 2 Division council

1. The division has its own division council. This council is chosen directly by, and from the ranks of, parents, students and staff pursuant to these Regulations.
2. According to Article 20 (1) of the Act, the division council takes over the rights and position of the participation council of the school in matters concerning the division.
3. The division councils of both divisions in general meet and act together as if they were one division council, leaving intact their rights and obligations as separate councils.
4. The rights of the division councils of both divisions will not be limited.

### Article 3 Size and composition of the division council

1. Primary:  
The division council shall consist of four members of whom
  - a) two are chosen by, and from amongst, the staff; and
  - b) two are chosen by, and from amongst, the parents.Secondary:

The division council shall consist of four members of whom

- a) two are chosen by, and from amongst, the staff; and
- b) one is chosen by, and from amongst, the parents; and
- c) one is chosen by, and from amongst the students.

#### Article 4 Conflicts of interest

1. A representative of the association cannot also be a member of the division council.
2. A member of the school management cannot also be a member of the division council.
3. A person cannot be a member of both division councils at the same time.

#### Article 5 Length of tenure

1. A member of the division council shall sit for a period of two years.
2. A member of the division council shall stand down at the end of his tenure but may be immediately re-elected.
3. A member appointed or elected to fill a temporary vacancy shall stand down at the same time that the person whose place he has taken would have been required to stand down.
4. Apart from the end of tenure through expiry of the tenure period, membership of the division council shall end:
  - a) through death;
  - b) through resignation by the member;
  - c) whenever a member is no longer a member of the section from which and by which he is elected;
  - d) through guardianship.

### Section 3 The elections

#### Article 6 Organisation of elections

1. The organisation of an election of a member of the division council is the responsibility of the division council. The division council can transfer these organisational tasks to an election committee. The division council shall decide the composition, procedures and powers of any election committee and the procedure for objecting to any decision taken by the election committee.
2. In contravention to what is stated under 1., is the election of the first division council the responsibility of the participation council. The participation council can transfer these organisational tasks to an election committee. The participation council shall decide the composition, procedures and powers of any election committee and the procedure for objecting to any decision taken by the election committee.

#### Article 7 Date of elections

1. The division council shall decide the date(s) of the election and the times within which votes may be cast.
2. The division council shall notify the director, parents, students and staff of the times within which votes may be cast and the latest date on which notices of standing should be received.

## Article 8 Persons eligible for election and allowed to vote

1. Persons who on the date of nomination of candidates are members of staff, parents or students of 13 years of age or older are entitled to vote for, or stand as, a member of the division council.
2. Each pair of parents is entitled to one vote for each student it has at the division.

## Article 9 Notice of standing

Persons eligible for election who want to nominate as a candidate shall inform the division council by a signed notice of standing before the date as mentioned in Article 7 (2).

## Article 10 Insufficient number of candidates

If there are no more candidates from amongst the parents, students or staff than there are vacant seats on the division council for such section, no election will be needed in respect of such section and the candidates will be deemed to have been elected. In such an event, the division council shall notify the director, the sections and the relevant candidates accordingly in good time before the planned election date.

## Article 11 Election

1. Voting shall be by secret, written ballot.
2. No later than one week before the date of the elections the division council shall send to those entitled to vote a stamped voting paper containing the names of the candidates from the section in respect of which the voter can vote.

## Article 12 Voting; power of attorney

1. A voter may cast up to the number of votes as there are available seats available for his section in the division council but may only cast one vote per candidate.
2. A voter may instruct someone else within his section to vote on his behalf under a power of attorney, by transferring his voting paper to such person. A voter may not act under a power of attorney for more than one other voter.

## Article 13 Result of elections

1. Candidates who have obtained the highest numbers of votes shall be elected. In the event that for the final available seat there are two or more candidates with an equal number of votes, lots shall be drawn to determine which of them is elected.
2. The result of the elections shall be determined by the division council and notified in writing to the director, the sections, the candidates, the participation council and the school.

## Article 14 Ad hoc vacancy

1. In the event of an ad hoc vacancy the division council shall appoint as successor to the relevant member the candidate from the relevant section who judging from the election result referred to in article 13 (2) above is the next in line for appointment.

2. This appointment shall be made within a month of the vacancy arising. The division council shall notify the director, the sections and the relevant candidate of this appointment.
3. If there are fewer candidates from amongst the parents, students and staff than there are seats in the division council for that section or if there is no one next in line as referred to in the first paragraph of this article, then the vacancy/ies can be filled by calling an ad hoc election. In such a case articles 6 to 13 shall apply as appropriate.

## Section 4 General tasks and powers of the division council

### Article 15 Consultation with the director

1. The director and the division council shall meet if this is requested – together with reasons – by the division council, a section of the division council or the association.
2. If all members of the division council so wish, the director shall consult in the manner referred to in paragraph 1 above with each section separately.

### Article 16 Authority of the division council to take initiatives

1. The division council is authorised to discuss all matters affecting the division and to submit proposals concerning such matters to the director and to explain its position thereon. The director shall send a reasoned, written response to the proposals to the division council within three months. Before sending such response, however, the director shall allow the division council at least one opportunity for the division council and the director to discuss the proposals together.
2. If all members of the division council so wish, the director shall consult in the manner referred to in paragraph 1 above with each section separately.

### Article 17 Openness, proper consultation and equal treatment

1. The division council shall promote as far as possible openness and proper consultation in the division.
2. The division council shall also oppose any kind of discrimination in the division in general and encourage equal treatment in equal cases and in particular promote sexual equality and the employment of handicapped persons and persons of ethnic backgrounds.
3. The division council shall send a written report of its work to all persons involved with the division and enable the sections that are especially affected by any issues to consult on such issues.

### Article 18 Duty to supply information

1. The division council shall receive in good time from the director, whether or not requested, all information reasonably required for the performance of its tasks.
2. The division council shall receive as a minimum:
  - a) the divisions annual budget and accompanying policy decisions relating to finance, organisation and education;
  - b) before 1 May each year, information regarding the calculations on which State funding to the association regarding the division is calculated;

- c) before 1 July each year an annual report of the association;
  - d) the principles applied by the association in exercising its powers;
  - e) without delay, information regarding any decision regarding the division of the complaints committee as defined by Article 14 of the Primary Education Act or 24b Secondary Education Act, where the committee has upheld a complaint, together with any steps to be taken by the association pursuant to that decision, having regard to the privacy of staff, parents and students.
3. If the director submits a proposal for advice or consent to a section of the division council, such proposal shall be submitted to the other section of the division council for its information. The director shall set out the reasons for the proposal, as well as the expected consequences of implementation of the proposal for staff, parents and students and of the measures to be consequently taken.

### Article 19 Annual report

The division council shall draw up an annual report of its work in June of the ending academic year and send it to the director, staff, parents, students, participation council and school for their information. The division council shall ensure that the report is made available for inspection by the interested parties in a part of the division that is generally accessible.

### Article 20 Openness and confidentiality

1. The meetings of the division council are public, unless individual persons are being discussed or if in the opinion of one of the members the subject matter being discussed requires confidentiality.
2. If during any part of a meeting the personal interests of a member of the division council are at stake, the division council may decide that such member shall not participate in (the relevant part of) the meeting. The division council shall then decide at the same time to discuss the relevant issues in a private sitting.
3. The members of the division council must respect the confidentiality of all matters brought to their attention in such capacity that either the director or the division council have determined are confidential or that should reasonably be regarded as confidential. The decision to impose a duty of confidentiality shall be notified so far as possible before the relevant matter is discussed.
4. The party imposing the duty of confidentiality described in the previous paragraph shall also specify what oral or written information is thereby made confidential and for how long, and also indicate whether there are any persons not bound by this duty of confidentiality.
5. The duty of confidentiality shall not expire on termination either of membership of the council or of the connection between the relevant person and the school.

## Section 5 Special powers of the division council

In case of any discrepancies between the special powers of the division council as described in the articles 21 through 25 and those described in the Act or any other legal framework that directly attribute powers to the division council; the Act and other legal frameworks prevail at all times.

### Article 21 Requirement for the consent of the division council

The association requires the prior consent of the division council for decisions it takes regarding:

- a) a change to the educational aims of the division;
- b) drawing up or amendment of a division policy plan and related ancillary plans for the division;
- c) drawing up or amendment of specific division regulations;
- d) drawing up or amendment of specific division policy on support work carried out by parents for the benefit of the division and teaching;
- e) drawing up or amendment of safety procedures and regulations specific for the division;
- f) the acceptance of gifts or sponsorships with specific obligations concerning the division;
- g) transfer of the division or any part thereof or the drawing up or amendment of the policy relating to the same,

and in possible other matters concerning the division on which the consent of the school's participation council is required according to the Act.

### Article 22 Authority of the division council to advise

The division council shall have the opportunity to advise in advance on proposed decisions to be taken by the association concerning:

- a) major changes in the time table of the division;
- b) drawing up or amendment of specific division budget policies;
- c) termination, or substantial cutback or increase of the work of the division or a significant part thereof, or the drawing up or amendment of policy relating thereto, insofar as this has no consequences at the level of the school or the association;
- d) entering into, termination of, or significant change to, a long-term collaboration of the division with another institution, or the drawing up or amendment of policy relating thereto, insofar as this has no consequences at the level of the school or the association;
- e) association in, or termination of such association in, an educational project or experiment of the division, or the drawing up or amendment of policy relating thereto, insofar as this has no consequences at the level of school or the association;
- f) the drawing up or amendment of policy relating to the organisation of the division, insofar as it is not organised above division level;
- g) appointment to or dismissal from the division management or director;
- h) the drawing up or amendment of a concrete division of tasks within the school management;

- i) drawing up or amendment of specific division policies on the acceptance or expulsion of students;
  - j) setting of the holiday scheme as far as specific for the division;
  - k) new building or substantial rebuilding of the division's buildings,
- and in possible other matters concerning the division on which the advice of the school's participation council is required according to the Act.

### Article 23 Requirement for the consent of the staff section

The association requires the prior consent of that part of the division council elected by, and from amongst, the staff for decisions it takes regarding:

- a) the drawing up or amendment of possible work regulations for the staff of the division and for the creation and composition of the staff consultation forum, insofar as it is not organized above individual division level and the decision applies generally to all staff members of the division or an entire category thereof;
  - b) the drawing up or amendment of the division of, or burden of, tasks amongst the staff, excluding the school management, having regard to the central framework established for such purpose at school or association level;
  - c) the drawing up or amendment of employment conditions specific to the division,
- and in possible other matters concerning the division on which the consent of the staff section of the school's participation council is required according to the Act.

### Article 24 Requirement for the consent of the parents/student's section

The association requires the prior consent of that part of the division council elected by, and from amongst, the parents and the students for decisions it takes regarding:

- a) change to the basis of the division or transforming of the division or a part thereof, or the drawing up or amendment of such a policy;
  - b) the drawing up or amendment of the amount and application of the funds requested for the division from the parents or the students otherwise than under a legal obligation or of funds received pursuant to an agreement with the parents;
  - c) the drawing up or amendment of the policy on provisions to benefit students;
  - d) the possible drawing up or amendment of parents' statute or students' statute for the division;
  - e) the way in which lunchtime student care within the division is provided;
  - f) drawing up of the division's handbook;
  - g) the drawing up of teaching time, insofar as this is not fixed above individual division level;
  - h) the drawing up or amendment of the specific division policy on out-of-class activities organised under the responsibility of the association;
  - i) the drawing up or amendment of the specific division policy on the exchange of information between the association and parents,
- and in possible other matters concerning the division on which the consent of the parent's section of the school's participation council is required according to the Act.

## Article 25 The scope of special powers

Articles 21 to 24 of these regulations do not apply if and insofar as:

- a) the relevant issue has already been substantively provided for in respect of the division pursuant either to regulations issued by or under the law, or to a collective labour agreement;
- b) the relevant issue relates to an individual staff member or student, with the exception of a proposal to appoint or dismiss from the school management;
- c) the relevant issue relates to the general rights of the staff, in which regard discussions are conducted by the association within the de-centrally organised consultative body;
- d) the relevant issue is not specific for the division and regards school- or board policy.

## Article 26 Time limits

1. The director shall allow the division council, or such section thereof involved in the issue a period of three working weeks in which to issue a written report of its position on a proposed decision on an issue to which articles 21 to 24 of these regulations relate.
2. The said period of three working weeks can be extended on a case-by-case basis by the director, on request – stating reasons - by the division council or such section thereof to which the issue relates.
3. The director shall provide a prompt written response to the request for the extension of time and, where applicable, specify the length of the extended period.
4. If the division council or such section thereof to which the issue relates does not produce an advice within the time period specified in paragraph 1 or fails to provide a definitive answer as to the grant of consent or not, the director can turn its proposed decision into a definitive decision.

## Section 6 Composition and procedures of the division council

### Article 27 Election of chairman and secretary

1. The division council shall elect a chairman and secretary from amongst its members.
2. The chairman, or in his absence, the secretary, shall represent the division council in law.

### Article 28 Exclusion of members of the division council

1. The members of the division council shall perform the obligations of such membership.
2. The division council may decide that a member of the division council is not performing the obligations referred to in paragraph 1 if he:
  - a) is in serious breach of any statutory obligation or provision of the division regulations;
  - b) breaches any duty of confidentiality by disclosing any information that he knows, or ought reasonably to suspect, is of a confidential nature;
  - c) seriously impedes the proper functioning of the division council.
3. If the division council makes a 'paragraph 2 decision', then subject to obtaining a minimum two-thirds majority of its members, it may draw the attention of the relevant

member to his obligations or require that he resigns membership of the division council.

4. If the division council makes a 'paragraph 2 decision', then subject to obtaining a minimum two-thirds majority of its members, the section from which and by which the relevant member was elected may decide to relieve the member of his work for the division council for a term not exceeding three months.
5. If the division council makes a 'paragraph 2 decision', and takes such steps as referred to in paragraph 3, it shall consult as far as possible with the section from which and by which the relevant member was elected, having regard to its duty of confidentiality.
6. Any such decision by the division council shall be communicated to the relevant member in writing.
7. No decision as referred to in paragraphs 3 and 4 can be taken until the relevant member has been given the opportunity to receive written information regarding the complaints against him and to defend himself against these with, if he so desires, legal representation.

#### Article 29 Agenda items submitted by staff, parents and students

1. Staff, parents and students of the school can request the secretary in writing to add a subject or proposal to an agenda for discussion at a meeting of the division council.
2. The secretary shall consult with the chairman and notify the person submitting the request whether such subject or proposal will be added to the agenda, and when the meeting shall take place.
3. Within a week following the meeting, the secretary shall notify in writing the person submitting the said request of the result of the discussion of the relevant subject or proposal at the meeting by the division council.

#### Article 30 Consultation of staff, parents and students

1. The division council or any section thereof may decide, prior to taking any decision on a proposal by the director on a matter as described in Articles 21 to 24 of these regulations, to consult the staff and parents and students or the individual sections regarding such proposal.
2. If at least one third of the staff or 10% of the parents or students of the school so request, the division council or a section thereof, prior to taking a decision as referred to in paragraph 1, shall consult with the staff and/or parents or students.

#### Article 31 Internal regulations

1. Having regard to the statutory provisions and the terms of the participation regulations, the division council shall draw up the internal regulations.
2. These internal regulations shall include as a minimum:
  - a) a description of the tasks of the chairman and secretary;
  - b) the procedure for convening meetings;
  - c) the procedure for drawing up the agenda;
  - d) the procedure for taking decisions;
  - e) the quorum required for a valid meeting.
3. The division council shall send a copy of the internal regulations to the director.

## Section 7 Settlement of disputes

### Article 32 Affiliation to disputes commission

The school is affiliated to the national commission for disputes.

5. Disputes within the framework of participation can be submitted to the board of the ISU foundation; e-mail address: [bestuur@isutrecht.nl](mailto:bestuur@isutrecht.nl)
6. Disputes within the framework of participation can also be submitted to the Landelijke Commissie voor Geschillen.
- 7.

## Section 8 Representation of the association

### Article 33 Representation by director or staff member

1. The director shall represent the association in discussions with the division council, as defined in these regulations. The director can choose to be replaced by a member of the school management.
2. At the request of either the division council or the member of the school management referred to in paragraph 1, the director can relieve such member of the school management of his task to represent the association in discussions.
3. The division council is entitled to discuss issues with the board of the association in special cases.

## Section 9 Other terms

### Article 34 Facilities

1. The director shall allow the division council to use such facilities as the council reasonably requires for the performance of its tasks.
2. The director shall more fully describe such facilities for members of the division council, as referred to in the Act, in the participation articles as far as they are specific for the division.

### Article 35 Protection of rights

The association shall ensure that persons standing, or who have stood, on a list of candidates for election as referred to in Article 9 of these regulations, as well as current and former members of the division council, are not disadvantaged in their relationship with the school by virtue thereof.

### Article 36 Amendment to regulations

The association shall submit any amendment to these regulations as a proposal to the division council and adopt the amended regulations insofar as following discussions the (amended) proposal is supported by at least two thirds of all members of the division council.

### Article 37 Language of communication

Regular language of communication between the association and the division council (and its members) is English.

### Article 38 Citation; commencement date

1. These regulations may be cited as the 'IS Utrecht Division Council Regulations'.
2. These regulations came into force on 1 July 2016.