



Hogeschool van Amsterdam

# **AUTHORISATION REGULATIONS OF AMSTERDAM UNIVERSITY OF APPLIED SCIENCES/ HOGESCHOOL VAN AMSTERDAM**

issued by

Stichting Hogeschool van Amsterdam

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## **Preamble**

Stichting Hogeschool van Amsterdam is a private-law organisation. This means that - unlike public-law organisations such as the University of Amsterdam - its representative authority does not fall under the Netherlands General Administrative Law Act (*Algemene wet bestuursrecht*). Instead, the representative authority of staff members of the Amsterdam University of Applied Sciences/Hogeschool van Amsterdam ("AUAS/HvA") is based on the Netherlands Civil Code (*Burgerlijk Wetboek*).

Daily practice is too varied to describe every act of an AUAS/HvA body or staff members in these Authorisation Regulations. Therefore the Regulations describe the main principles underlying the representative authority and document its extent for the principal bodies and officers. In concrete terms, these Regulations primarily concern forms of representation relating to decisions that commit or may commit the Stichting financially.

The scope of these Regulations does not extend to students of the AUAS/HvA. There is no need for this, because the Student Charter provides that students are not permitted to represent or commit the AUAS/HvA without the latter's express consent.

These Authorisation Regulations are an elaboration of Article 23 of the AUAS/HvA's Executive Board and Administrative Regulations.

## Article 1 Definitions

In these Regulations, the following terms will have the following meanings:

- a. School : An organisational unit as referred to in Section 10.3a of the WHW which encompasses several degree programmes, as specified in the AUAS/HvA's Regulation of the Executive Board.
- b. AUAS/HvA : The Amsterdam University of Applied Sciences/Hogeschool van Amsterdam, based in Amsterdam and maintained by the Stichting.
- c. Degree programme : Higher professional education degree programme as referred to in Sections 7.3 to 7.3c inclusive of the WHW.
- d. Programme Manager A : Manager holding the position of programme manager 1 or 2 in accordance with the HAY job classification method.
- e. Programme Manager B : Manager holding the position of programme manager 3 in accordance with the HAY job classification method.
- f. Project : An activity defined as such that is identifiably administered and separately accounted for.
- g. Stichting : Stichting Hogeschool van Amsterdam, based in Amsterdam [a Stichting is a foundation under Dutch law].
- h. Academic year : The period commencing on 1 September and ending on 31 August of the following calendar year.
- i. Power of attorney : The authority to perform juristic acts at the expense and in the name of the Stichting.
- j. Grantor : The party granting power of attorney.
- k. Grantee : The party acting on the basis of power of attorney.
- l. WHW : The Netherlands Higher Education and Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*), as it read at the moment when these Regulations were adopted.

## Article 2 Scope of the Regulations

1. These Regulations concern the representative authority of bodies and staff members employed by the Stichting.
2. By means of a written decision, these Regulations may be declared equally applicable to persons performing activities for the Stichting otherwise than on the basis of an employment contract.
3. These Regulations do not apply to forms of representation based on a statutory regulation.
4. These Regulations do not relate to powers of the Executive Board which have been transferred to deans pursuant to the AUAS/HvA's Regulation of the Executive Board.

## Article 3 Authorisation in general

1. The powers of attorney formulated on the basis of these Regulations are not irrevocable and may be withdrawn at any time by the Executive Board or the grantor.
2. The withdrawal or amendment of the power of attorney must be laid down in writing.
3. Granting power of attorney will not affect the grantor's own representative authority.
4. A grantor may not grant power of attorney which exceeds his or her own mandate. The grantor is authorised – within the limits of his or her mandate – to issue additional instructions about the use of the power of attorney.
5. If an activity relates to a project as referred to in these Regulations, it must always be indicated which officer may exercise which powers in respect of the project, whereby the person responsible for the project must always be accountable to someone else. Where necessary, the provisions of Paragraph 9 will be applied.

6. A grantee is obliged to notify his or her manager if the power of attorney is exceeded – insofar as this excess relates to financial aspects – and in that situation refrain from using the power of attorney granted to him or her, unless the manager gives permission to do so.
7. The heads of service and executive staff departments as referred to in Article 5 of the Executive Board and Administrative Regulations are obliged with regard to the subjects within their remit to report any excess of power of attorney established to the grantor, the grantee and the Executive Board.
8. A grantee may not act in contravention of the Stichting's by-laws, the AUAS/HvA's Executive Board and Administrative Regulations, codes of conduct to which the AUAS/HvA committed itself or any statutory regulation, or act in contravention of guidelines issued by the Executive Board, including administrative guidelines and guidelines relating to safety, security, the environment and company emergency response.
9. Subject to the provisions of Paragraphs 2 to 5 inclusive, the Executive Board will be entitled to grant powers of attorney that are not based on these Regulations and/or that deviate from or supplement these Regulations.

#### **Article 4 Content of the power of attorney**

1. Power of attorney may relate to the following subjects:
  - a. committing the Stichting towards third parties by concluding agreements and performing other juristic acts concerning financial, staff and material resources of the Stichting, insofar as these resources are at the disposal of the unit or part of a unit for which the grantee is responsible, however with due observance of the parameters laid down in these Regulations;
  - b. purchasing goods and services, with the exception of goods and services purchased collectively by the Stichting, with due observance of the parameters laid down in these Regulations;
  - c. taking disciplinary measures as referred to in Section 7.57h of the WHW;
  - d. conferring degrees as referred to in Sections 7.10a and 7.10b of the WHW;
  - e. issuing a teaching ban as referred to in Section 7.42a of the WHW;
  - f. offering an employment contract, with due observance of the Collective Labour Agreement for Universities of Professional Education ("CAO-HBO") and the parameters laid down in these Regulations;
  - g. amending the employment conditions of an employee of whom the grantee is the manager, with due observance of the CAO-HBO and the parameters laid down in these Regulations;
  - h. deploying persons at the unit for which the grantee is responsible, with due observance of the parameters laid down in these Regulations;
  - i. terminating the employment contract of an employee of whom the grantee is the manager, with due observance of the CAO-HBO and the parameters laid down in these Regulations;
  - j. imposing the disciplinary measures "written reprimand" or "suspension" as referred to in Article P-4 of the CAO-HBO on an employee of whom the grantee is the manager, with due observance of the CAO-HBO and the parameters laid down in these Regulations;
  - k. arranging for payments to be made at the Stichting's expense, insofar as these payments fall within the scope of the power of attorney;
  - l. taking decisions and performing acts relating to the safety, wellbeing, health and environmental hygiene of persons working at or for the benefit of the unit;
  - m. keeping petty cash with a maximum value of EUR 1,000 (one thousand euro).
2. Unless these Regulations provide otherwise, power of attorney does not relate to:
  - a. enrolling or de-registering a student, external candidate or course participant;
  - b. setting and collecting the tuition fees, exam fees or course fees payable by the student, external candidate or course participant;
  - c. setting and collecting other contributions payable by the student or external candidate as referred to in Section 7.46 of the WHW;
  - d. admitting a student or external candidate to a programme otherwise than for educational reasons, not being reasons as referred to in Section 7.42a of the WHW;

- e. early termination of enrolment as referred to in Section 7.42 of the WHW;
  - f. reducing or waiving the payment of tuition fees, exam fees or course fees;
  - g. repaying tuition fees, exam fees or course fees;
  - h. providing students with financial assistance;
  - i. opening and amending bank and giro accounts in the Stichting's name;
  - j. using a credit card in the Stichting's name or allowing others to do so;
  - k. contracting or granting loans, committing the Stichting as surety or committing the Stichting as guarantor for obligations of third parties;
  - l. arranging deposits and purchasing securities at the Stichting's expense;
  - m. waiving claims and writing off or not collecting claims, unless the amount of the claim does not exceed EUR 500. The provisions of the preceding sentence do not relate to claims against students or external candidates;
  - n. (jointly) incorporating legal entities or companies, or holding participating interests in such bodies, for the benefit of the Stichting;
  - o. imposing the disciplinary measures "transfer" and "dismissal" as referred to in Article P-4 of the CAO-HBO;
  - p. suspending the remuneration of a person employed by the Stichting;
  - q. letting space in AUAS/HvA buildings to third parties and renting space from third parties for the purpose of educational and research activities, otherwise than for occasional use;
  - r. reporting actions of AUAS/HvA staff members and students to law enforcement agencies, without prior consultation;
  - s. conducting legal action, advancing a defence in legal proceedings, referring disputes to arbitrators, reaching out-of-court settlements, agreeing to a composition, acquiescing in court rulings and arbitral awards;
  - t. deciding on notices of objection as referred to in the General Administrative Law Act;
  - u. outsourcing legal matters to external parties (lawyers, legal advisers);
  - v. awarding engagements to auditors other than the Stichting's auditor;
  - w. deciding on matters involving themselves or family members.
3. The provisions of Paragraphs 1 and 2 – with the exception of Paragraph 2(w) - do not apply to the Executive Board.
  4. If decisions based on powers of attorney as referred to in Paragraphs 1 and 2 are laid down in writing, they will be signed "on behalf of the Executive Board".

#### **Article 5 Extent of the Executive Board's mandate**

1. The Executive Board has all the powers which have not been conferred on other bodies pursuant to the law, the Stichting's by-laws and the AUAS/HvA's Executive Board and Administrative Regulations.
2. Based on these Regulations, the Stichting and the AUAS/HvA will be represented by:
  - a. the Executive Board;
  - b. either the President of the Executive Board or – in the President's absence – the Vice-President of the Executive Board, or – in the President's and the Vice-President's absence – the Executive Board member oldest in age.
3. The representative authority referred to in Paragraph 2 is unlimited and unconditional.
4. In all cases in which the Stichting has a conflict of interests with one or more Executive Board members, the Stichting will be represented by a person to be designated by the Stichting's Board of Overseers, either from among its members or otherwise.

#### **Article 6 Extent of the Dean's mandate**

1. The Dean has the powers referred to in Article 4(1) and (2)(o) and (p).
2. The extent of the power referred to in Article 4(1)(a), (b) and (k) is EUR 100,000 (one hundred thousand euro), including VAT. With regard to transactions exceeding the amount specified in the preceding sentence, the Dean will require the consent of (a member of) the Executive Board.
3. The Dean may exercise the powers referred to in Article 4(1)(f), (g), (h), (i) and (j) and (2)(o) and (p) only in respect of employees who work primarily for the school and have been

graded in salary scale 14 or below. If the employee also works outside the school, the powers referred to in the preceding sentence will be vested in the Secretary to the Executive Board. If the employee has been graded in salary scale 15 or above, the aforementioned powers will be exercised by (a member of) the Executive Board, whether or not on the recommendation of the Dean or the Secretary to the Executive Board respectively.

4. The powers referred to in Article 4(1)(f) to (j) inclusive and (2)(o) and (p) cannot be exercised until the school's personnel adviser has issued advice in this respect.
5. The powers referred to in Article 4(1)(f) to (i) inclusive and (2)(o) and (p) cannot be conferred on other persons for the benefit of the school, unless these Regulations provide otherwise.
6. The powers referred to in Article 4(1)(a), (b) and (k) may be transferred for the benefit of the school on the basis of a power of attorney signed by the Dean for an amount not exceeding 10% of the amount referred to in Paragraph 2.
7. The Dean will be entitled to exercise the powers of the School Manager if the latter is absent and no provision has been made for a - temporary or permanent - deputy for this post.

#### **Article 7 Extent of the Programme Manager's mandate**

1. An employee holding the position of Programme Manager has the powers referred to in Article 4(1) for the benefit of the programme or programmes which he or she manages, with the exception of Paragraph 1(c), (e), (l) and (m).
2. The extent of the power referred to in Article 4(1)(a), (b) and (k) is limited to EUR 50,000 (fifty thousand euro), including VAT, in the case of a Programme Manager A and EUR 25,000 (twenty-five thousand euro), including VAT, in the case of a Programme Manager B. With regard to transactions exceeding the amount specified in the preceding sentence, the Programme Manager will require the consent of the Dean.
3. The Programme Manager may exercise the powers referred to in Article 4(1)(f), (g), (i) and (j) only in respect of employees who work primarily for the programme or programmes which he or she manages and who have been graded in salary scale 12 or below. If the employee also works outside the aforementioned programme or programmes but within the school, the powers referred to in the preceding sentence will be vested in the Dean. If the employee has been graded in salary scale 13 or above, the aforementioned powers will be exercised by the Dean for salary scales up to and including 14 and by (a member of) the Executive Board, whether or not on the Dean's recommendation, for salary scale 15 or above.
4. The powers referred to in Article 4(1)(f) to (j) inclusive cannot be exercised until the school's personnel adviser has issued advice in this respect.
5. The powers referred to in Article 4(1)(f) to (k) inclusive cannot be conferred on other persons for the benefit of the programme or programmes managed.
6. The powers referred to in Article 4(1)(a), (b) and (k) may be transferred for the benefit of the programme or programmes managed on the basis of a power of attorney signed by the Programme Manager A or B for an amount not exceeding 10% of the amount referred to in Paragraph 2.

#### **Article 8 Extent of the School Manager's mandate**

1. An employee holding the position of School Manager has the powers referred to in Article 4(1) for the benefit of the organisational unit which he or she manages, with the exception of Paragraph 1(d), (e) and (m).
2. The extent of the power referred to in Article 4(1)(a), (b) and (k) is EUR 50,000 (fifty thousand euro), including VAT. With regard to transactions exceeding the amount specified in the preceding sentence, the School Manager will require the consent of the Dean.
3. The School Manager may exercise the powers referred to in Article 4(1)(f), (g), (i) and (j) only in respect of employees who work primarily for the organisational unit which he or she manages and who have been graded in salary scale 14 or below. If the employee also works outside the aforementioned organisational unit but within the school, the powers referred to in the preceding sentence will be vested in the Dean. If the employee also works outside the school, the aforementioned powers will be vested in the Secretary

to the Executive Board. If the employee has been graded in salary scale 15 or above, the aforementioned powers will be exercised by (a member of) the Executive Board, whether or not on the recommendation of the Dean or the Secretary to the Executive Board respectively.

4. The powers referred to in Article 4(1)(f) to (j) inclusive cannot be exercised until the school's personnel adviser has issued advice in this respect.
5. The powers referred to in Article 4(1)(f) to (k) inclusive cannot be conferred on other persons for the benefit of the organisational unit managed.
6. The powers referred to in Article 4(1)(a), (b) and (k) may be transferred for the benefit of the organisational unit managed on the basis of a power of attorney signed by the School Manager for an amount not exceeding 10% of the amount referred to in Paragraph 2.
7. The School Manager will be entitled to exercise the Dean's powers on a temporary basis only if the latter is absent for some time and the Dean - or the Executive Board - considers such temporary deputising to be necessary.

#### **Article 9 Extent of the mandate of the head of a service or executive staff department**

1. The head of a service or executive staff department has the powers referred to in Article 4(1) for the benefit of the service department concerned, with the exception of the provisions of Paragraph 1(d) and (e) and Paragraph 2(o) and (p).
2. The extent of the power referred to in Article 4(1)(a), (b) and (k) is EUR 50,000 (fifty thousand euro), including VAT. With regard to transactions exceeding the amount referred to in the preceding sentence, the head of a shared service department will require the consent of (a member of) the Executive Board.
3. The head of a shared service department may exercise the powers referred to in Article 4(1)(f), (g), (i) and (j) and (2)(o) and (p) only in respect of employees who work primarily for the service department concerned and have been graded in salary scale 14 or below. If the employee also works outside the service department concerned, the powers referred to in the preceding sentence will be vested in the Secretary to the Executive Board. If the employee has been graded in salary scale 15 or above, the aforementioned powers will be exercised by (a member of) the Executive Board, whether or not on the recommendation of the head of a service department or the Secretary to the Executive Board respectively.
4. The powers referred to in Article 4(1)(f) to (j) inclusive and (2)(o) and (p) cannot be exercised until the HR Department has issued advice in this respect.
5. The powers referred to in Article 4(1)(f) to (k) inclusive and 2(o) and (p) cannot be conferred on other persons for the benefit of the service department concerned, unless this condition is waived at the request of the head of a service department, with the written consent of a member of the Executive Board. As a rule, the waiver referred to in the preceding sentence will only be applied if the powers concerned may be exercised in respect of an annual average of at least 50 employees.
6. The powers referred to in Article 4(1)(a), (b) and (k) may be transferred for the benefit of the service department on the basis of a power of attorney signed by the head of that service department for an amount not exceeding 10% of the amount referred to in Paragraph 2.
7. The provisions of the preceding paragraphs also apply to the Secretary to the Executive Board.
8. The deputy head of a service department will be entitled to exercise the powers of the head of a service department on a temporary basis only if the latter is absent for some time and the head of a service department - or the Executive Board - considers such temporary deputising to be necessary.

#### **Article 10 Extent of the Central Student Administration's mandate**

To the extent that their job description contains a provision to this effect, employees working for the AUAS/HvA's Central Student Administration are entitled - to the exclusion of others, not being

the Executive Board - to take decisions as referred to in Article 4(2)(a) to (g) inclusive, with due observance of the WHW and guidelines issued by the Executive Board.

#### **Article 11 Unforeseen circumstances**

In cases not provided for by these Regulations, the Executive Board or - depending on the subject - the Planning and Finance Manager or the HR Manager will decide.

#### **Article 12 Entry into force**

These Regulations replace the AUAS/HvA's authorisation regulations adopted on 14 April 2011 and will enter into force on the day following that on which they were adopted by the Executive Board.

*Adopted as a resolution by the Executive Board on 20 January 2014*