

MAASTRICHT UNIVERSITY

UM Mandates Regulations

Adopted by the Executive Board
in its meeting of 13 December 2005
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1.1 Definitions

In these Regulations, the following terms will be understood to have the meanings assigned to them below:

Signing mandate:

the power to take decisions in governance matters on behalf of the Executive Board.

Management:

all activities, acts and decisions regarding human resources and finance, accommodation, ICT and other activities through which the Executive Board shapes the policy of the university in these areas.

Management unit:

one of the organisational units referred to in Article 6.2 of the UM Executive and Management Regulations.

Management mandate:

the power to take decisions in management matters on behalf of the Executive Board.

Mandatee;

the person who has been granted a mandate.

Head of management unit:

the dean of a faculty as head of a faculty management unit or the director of the university office or the director of a service centre as head of a management unit at central level.

Mandate:

the power to take decisions on behalf of the Executive Board, distinguished into mandates in the area of management (management mandates) and mandates in the area of governance (signing mandates).

Submandate:

a mandate granted in its turn by a mandatee to another with the consent of the Executive Board (as referred to in Article 10:9 of the Dutch General Administrative Law Act [*Algemene wet bestuursrecht*])

Submandatee:

the person who has been granted a submandate.

Sub-submandate:

a mandate granted by a submandatee in his turn to another with the consent of the head of the management unit.

Explanation:

A specific performance of the sub-submandate is the signing authority.

Deputy mandatee:

a member of staff working under the direction and responsibility of a mandatee, who is authorised to exercise the latter's mandate in his or her absence, whether or not in full.

Authorisation:

the power to perform one or more specific legal acts for the university.

Reserved power:

power which the Executive Board retains for itself and which is not part of the power of the mandatees.

Other terms in these regulations have the meanings given to them by law and by the UM Executive and Management Regulations.

1.2 General rules

1.2.1 General mandate rules

- a. Within the limits of the mandate, the mandatee is authorised on behalf of and under the responsibility of the Executive Board to independently perform acts, make decisions and sign documents, with due observance of the provisions set out by or pursuant to the law with regard to the mandated power, the UM Executive and Management Regulations, these regulations and the other rules, guidelines and instructions laid down by the Executive Board.
- b. The mandate is granted in writing.
- c. The Executive Board may issue general or case-by-case instructions regarding the exercise of the mandated power.
- d. A decision taken by the mandatee within the limited of their power is considered as a decision of the Executive Board.
- e. In exercising a mandated power the mandatee will sign "on behalf of the Executive Board" followed by the indication of their name and position.
- f. The person authorised to sign physical documents (letters, decisions, etc.) on behalf of the Executive Board is also authorised to use an electronic signature when sending the outgoing document electronically. When an electronic signature is used, a hand-written signature may be omitted. If a signature is required when exercising the (sub)mandated power and an electronic signature is used, it must comply with the conditions set out in Section 2:16 of the Dutch General Administrative Law Act, or with the conditions set out in Section 3:15a of the Dutch Civil Code in the case of electronic legal transactions of a proprietary nature or with regard to other legal acts or legal relationships under

private law, where the nature of the legal act or legal relationship does not dictate otherwise.

- g. Outgoing documents created electronically, which may or may not be transmitted electronically and for which (by law) there is no obligation to use a signature, are signed as described in the previous paragraph, whereby one may choose not to include a handwritten or electronic signature. If no signature is required, the outgoing document must be concluded with the following wording: "This letter [possibly replaced by: "This decision"] has been created in an automated manner and is therefore not signed".
- h. The power to exercise the mandate terminates on termination of the position on the basis of which the mandate has been granted.
- i. The Executive Board may at all times terminate the awarded mandate. The termination must take place in writing.
- j. The Executive Board remains authorised at all times to exercise the mandated power itself; in that case the Executive Board will notify the mandatee accordingly.
- k. The mandatee may request the Executive Board to withdraw the mandate.
- l. The head of the management unit will provide the Executive Board with the requested information about the mandate and its execution.
- m. The head of the management unit is accountable to the Executive Board for the exercise of mandates, submandates and sub-submandates within their/its management unit.
- n. The Executive Board may determine that it retains specific powers for itself. These reserved powers, insofar as not included in these regulations, shall be notified in writing to the mandatees.

1.2.2 General deputy rules

- a. Each head of a management unit, with the approval of the Executive Board, shall designate a member of staff of the management unit as their deputy for exercising the management mandates granted to them and not passed on in submandate.
- b. A deputy mandatee shall sign in the same manner as the respective mandatee, adding "On his behalf".

1.2.3 General sub-mandate rules

- a. A mandate may be passed on as a submandate by the mandatee to another employee of the respective management unit with the prior written consent of the Executive Board and with due observance of these regulations and the guidelines issued by the Executive Board.
- b. The submandate is granted in writing.
- c. It is not allowed to grant a submandate if this is excluded by these regulations.
- d. The registration obligations contained in these regulations that are expressly placed with the head of the management unit are not subject to a submandate.
- e. The provisions of these regulations apply accordingly to a submandate.
- f. In exercising a submandated power the submandatee will sign "on behalf of the Executive Board" followed by the indication of his name and position.
- g. The heads of the management units are responsible for keeping a record of all submandates and sub-submandates granted within the management units on the basis of the mandated powers model scheme, within the management unit, respective faculty, service centres or office provided by the Executive Board.
The following shall be registered of each submandate granted:
 - the field in which the mandate is granted (Human Resources, Finance, Accommodation, ICT, Other);
 - the position of the mandatee on the basis of which they obtains the mandate;
 - the extent of the mandate;
 - the date of consent by the Executive Board;

- any limitations and any special conditions attached to exercising the submandate;
 - the way in which the submandatee is to report on exercising the mandate.
- h. The head of the management unit shall send to the Executive Board a copy of the registration of the submandates granted in the management unit.

1.2.4 General sub-submandate rules

The rules on submandates shall apply accordingly to sub-submandates, on the understanding that the required consent for sub-submandates shall be granted by the head of the management unit.

1.2.5 General authorisation rules

Authorisation to represent the university in or out of court in the name of the chairperson of the Executive Board is granted by the chairperson or deputy chairperson of the Executive Board.

2.1 Management mandates

The management powers described below are mandated to the heads of management units:

2.1.1 HUMAN RESOURCES management mandates

Extent

The mandate of the head of the management unit in the area of human resources includes, with the exception of the specific signing mandates in chapter 2.2 and the powers reserved to the Executive Board listed in chapter 3:

- a. all activities, acts and decisions with regard to the personnel to be appointed in their management unit;
- b. all activities, acts and decisions with regard to the personnel working in their management unit;
- c. the care for working conditions (including company assistance), care for the environment and care for safety within the management unit concerned.

The mandate shall be exercised with due observance of the Dutch Working Conditions Act [*Arbo-wet*] and the Dutch Environmental Management Act [*Wet milieubeheer*] and the regulations and guidelines based on those Acts, the NU CLA as well as the guidelines and directions issued by or on behalf of the Executive Board, and furthermore with due observance of the provisions in 2.2. with regard to biological safety and radiation safety.

The head of the management unit may grant signing authority to employees working under their direction and responsibility with regard to specific legal acts of a personnel nature linked to their position. In their decision, they shall determine the nature and purpose of this power, as well as the limits of the obligations arising therefrom for the university.

Explanation:

In connection with this signing authority, for example the granting of (special) leave, the approval of courses, expense claims, trips abroad, bicycle scheme, CLA arrangements, etc. come to mind.

2.1.2 FINANCIAL management mandates

Extent

The mandate of the head of the management unit in the field of finance includes, with the exception of the powers reserved to the Executive Board referred to in chapter 3, the disposal of the resources allocated to the management unit by the Executive Board. The head of the management unit shall exercise the mandate in accordance with the indicated purpose, the budget of the university and within the limits of the law, the mandate, as well as with due observance of the rules, guidelines and instructions of the Executive Board given in that connection.

Contracts for the supply of ICT equipment (hardware), office supplies, furniture, medical gases and chemicals as well as service contracts should be placed with the suppliers selected on the basis of European tendering procedures.

Contracts to provide UM internal services, with the exception of so-called free services, should be placed with UM's service centres.

2.1.3 ACCOMMODATION management mandates

Extent

The mandate of the head of the management unit in the field of accommodation includes, with the exception of the powers reserved to the Executive Board referred to in chapter 3, the care for the daily management of the buildings, building complexes and grounds assigned to him/her by the Executive Board. If a building and/or building complex is occupied or a site is used by more than one management unit, the Executive Board shall designate as the mandatee the head of the largest management unit in terms of FTEs for that building and/or building complex and/or grounds.

The mandate in the field of accommodation includes in any event:

- a. decisions overseeing major technical maintenance of university buildings;
- b. the allocation of spaces to students and staff in accordance with the technical and functional purpose of the building;
- c. making spaces available to third parties in the building housing the relevant management unit with a maximum duration of five working days;
- d. the security of buildings, building complexes and grounds;
- e. the signage in buildings, building complexes and in the grounds in accordance with UM's established house style;
- f. determining the opening hours of the building, building complexes and grounds;
- g. determining the rights of access to the building, building complexes and grounds within and outside regular opening hours as well as having these rights recorded on the UM card;
- h. (maintaining) everyday internal order, including establishing further house rules and taking order measures in line with the house rules as adopted by the Executive Board.

The mandatee is authorised to have students and third parties removed who behave in an unacceptable manner according to generally held views. In doing so, they may be denied access to all UM buildings, building complexes and grounds:

- with regard to third parties, the building manager is also authorised to deny access. The denial of access may be for an indefinite period;
- with regard to students, the head of the management unit in which the student is enrolled or the head of the management unit in which the student uses student facilities has the authority to deny access. The denial of access by the head of the management unit may be for a period not exceeding one year and the duration of the denial must be justified by the seriousness of the conduct. If the head of the management unit is considering a measure that includes a duration longer than 6 months, prior consultation shall take place with the Executive Board. The other heads of the management units as well as the Executive Board will be informed of an access denial.

Explanation:

- *the head of the management unit may decide to limit the scope of the access denial to the buildings of their management unit and the UM buildings in which student facilities are housed such as the University Library (UB), Admissions and Registration Office (SSC) etc.;*
- *disciplinary measures may be considered for staff members whose behaviour is generally considered unacceptable.*

Building manager

The head of the management unit shall appoint a building manager for each of the buildings, building complexes and grounds.

If a building houses more than one management unit, the appointment of the manager shall be made after consultation with the heads of the respective management units.

The building manager is responsible for exercising the powers delegated to him by the head of the management unit.

The director of Facilities Services shall ensure registration of managers of buildings, building complexes and grounds.

2.1.4 ICT management mandates

Extent

The mandate of the head of the ICT management unit includes, with the exception of the powers reserved for the Executive Board referred to in chapter 3, the procurement, replacement and maintenance of decentralised IT infrastructure, computers, peripherals (hardware), software packages and tailored software.

Group information systems

Subject to the budget set aside for this purpose in CAS and the defined 'Mandated owner's tasks and powers of the group information system', the exercise of powers relating to contracts for regular maintenance, including updates and minor changes, is mandated in accordance with the overview 'Group information systems mandates' (Appendix).

2.1.5 Miscellaneous management mandates

a. Undertaking commitments that can be valued in money

The mandate of the head of the management unit includes, with the exception of the powers reserved to the Executive Board referred to in Chapter 3, undertaking commitments that can be valued in money, including grants, with due observance of the following *instructions*:

Submandating sliding scale

Submandating is allowed if the head of the management unit has applied the following conditions:

- a. Commitments with a monetary value to be determined by the head of the management unit < €250,000 per agreement may be undertaken by the submandatee; for the service centres and the (MUO) office, a monetary value < €50,000 per agreement applies.
- b. Commitments referred to under a, but to which a matching obligation is attached for the university, require the prior approval of the head of the management unit.
- c. Commitments (including matching obligations) with a monetary value from the amount referred to under a up to €750,000 per agreement may be undertaken by the head of the management unit; for the service centres and the (MUO) office, a monetary value up to €250,000 per agreement applies.
- d. Commitments with a monetary value ≥ €750,000 per agreement are undertaken by the Executive Board after advice has been received from the

head of the management unit; for the service centres and the (MUO) office, a monetary value \geq €250,000 per agreement applies.

Schemes

In the case of entering into commitments in the sphere of the 3rd money flow, use is made of the following, determined by the Executive Board:

- The third money flow activities framework and the third money flow model (research) agreement, including the options included therein;
- UM Patent Scheme and UM Patent Implementation Scheme.

Deviations

If, in the case of a commitment that can be valued in money, it is considered, to the disadvantage of the university, to deviate from the Schemes referred to above, the mandate and any submandate shall lapse. The mandate will then fully revert to the Executive Board. The Executive Board may decide to make the commitment after seeking the advice of the head of the management unit concerned.

Records

The head of the management unit shall ensure that all commitments entered into at monetary value are recorded at management unit level. The head of the management unit shall provide information once a year and further upon request by the Executive Board on the commitments made. The head of the management unit shall send a copy of the commitment made to the Finance/ADP.

The Executive Board may issue guidelines on how recording and reporting is to take place.

b. Undertaking commitments that cannot be valued in money

The mandate of the head of the management unit includes, with the exception of the powers reserved to the Executive Board referred to in Chapter 3, undertaking commitments that cannot be valued in money (for example confidentiality statements).

Commitments entered into which cannot be valued in money, but which can reasonably be assumed to be followed by commitments that can indeed be valued in money (for example letters of intent, preliminary agreements), are considered for the purposes of the Mandates Regulations to fall under 2.1.5 under a with the *associated instructions*.

Records

The head of the management unit shall ensure that all commitments entered into which cannot be valued in money are recorded at management unit level. The head of the management unit shall provide information once a year on the commitments made and further upon request by the Executive Board. The head of the management unit shall send a copy of the commitment made to the Finance/ADP.

The Executive Board may issue guidelines on how recording and reporting is to take place.

c. Database management

The mandate of the head of the management unit includes, with the exception of the powers reserved to the Executive Board referred to in Chapter 3, the management of databases in their management unit.

The term database means any structured set of personal data present within the respective management unit as referred to in the Dutch Personal Data Protection Act [*Wet Bescherming Persoonsgegevens*].

The management of data bases covers in any event:

- retaining and monitoring these files and setting rules for them and ensuring the security of the automated data processing operations;
- determining the organisation of these files and the acquisition and processing of data;
- making (parts of) files available to users and determining how this is done;
- monitoring the legitimate use of the files in accordance with the purpose of the file;
- monitoring the compliance with the rights of registered persons;
- disclosure of data to third parties, including investigating authorities, if required by a legal provision;
- the notification of data processing operations to the Dutch Data Protection Authority. The head of the management unit shall send a copy of the notification made to the Finance/ADP.

2.2 Signing mandates

The Finance director

is mandated with:

- a. exercising powers relating to the management of the (central) insurance portfolio;
- b. exercising powers relating to (giving) debt collection instructions for the collection of claims.

The SSC director

is mandated with:

- a. exercising the powers pursuant to the UM Enrolment Provisions, including, for example, decisions regarding the admission of students to a bachelor's degree course, the application of the Executive Board's decisions regarding the amount of tuition fees to be paid, exemption from the prior education requirement, enrolment and termination of enrolment;
- b. the student-related provision of information to DUO (Education Executive Agency);
- c. awarding student-related financial support, grants, scholarships and awarding subsidies to student organisations;
- d. furnishing loans to students under the student emergency fund and the financial student support provision;
- e. exercising powers in connection with MVV (long term visa) procedures and residence permits for students.

The ICTS director

is mandated to exercise the powers relating to the MAASnet UM Terms and Conditions of Use and Management including the MAASnet UM Facilities Use Regulations and the powers relating to UM-CERT (Computer Security Incident Response Team).

The UL director

is mandated with exercising powers with regard to:

- a. forming agreements with licensors about the use of media in connection with the University Library (UL) services;
- b. applying the Library User Regulations, including the power to impose a penalty;
- c. purchasing and removal of media from the UL collections;
- d. establishing principles of standardisation and classification of scientific facilities and collections.

The FS director

is mandated with exercising powers with regard to undertaking commitments in respect of accommodation for students, staff and guests.

The heads of management units

is mandated with exercising powers with regard to reporting facts to investigating authorities. The Executive Board will be informed of the report.

The biological safety officer

is mandated with applying for permits to work with Genetically Modified Organisms in connection with research experiments, as well as to exercise the powers under the permits pursuant to the Regulation and the Genetically Modified Organisms Decree.

The general coordinating radiation expert

is mandated with exercising the powers under the complex licence pursuant to the Dutch Nuclear Energy Act [*Kernenergiewet*].

The head of the FHML management unit:

is mandated with exercising powers under the Dutch Animal Experiments Act [*Wet op de Dierproeven*] including ensuring the availability of expertise required by the Act and of the Animal Experiments Committee (DEC).

The HR director

is mandated with exercising powers with respect to applying for work permits, combined residence and work permits ('GVVA') or other documents for the employee to be allowed to work in the Netherlands and at Maastricht University.

The respective portfolio holder of the Executive Board

is mandated with taking decisions insofar as they relate to implementation of a policy adopted previously by the Executive Board.

CHAPTER 3 RESERVED POWERS

3.1 Reserved powers

The Executive Board reserves for itself the following powers:

3.1.1 Reserved powers of Human Resources:

- a. appointment, promotion and dismissal of professors and directors of faculties on the recommendation of the dean of the faculty concerned;
- b. decisions regarding the secondment and hiring of professors and heads of management units;
- c. appointment, promotion and dismissal of heads of management units;
- d. granting permission to carry out ancillary activities, as far as members of faculty boards are concerned;
- e. giving a notice of dismissal of, imposing disciplinary measures against and conducting annual and assessment interviews with directors of management units and directors of the MUO management unit;
- f. imposing a suspension for a fixed period, as well as giving members of staff garden leave;
- g. giving instant dismissal pursuant to Section 7:677, subsection one in conjunction with Section 7:678 of the Dutch Civil Code;
- h. determining collective days off for the entire university.

Explanation:

The provision under a also includes powers relating to personal chairs, including their termination, but excluding the one-time temporary extension, which is decided by the dean after consultation with the College of Deans (as prescribed in Article 2.A.3 Professorship Policy).

3.1.2 Reserved powers of Finance:

- a. taking out and granting loans with the exception of money loans under the student emergency fund and the financial student support provision;
- b. allowing the university to stand surety, committing the university as joint and several (co-)debtor, the university warranting the performance of a third party or offering as a university to secure a debt of a third party;
- c. opening and closing bank and giro accounts;
- d. the signatory authority with regard to bank transactions;
- e. accepting gifts and specific legacies;
- f. selecting suppliers of ICT equipment, office supplies, furniture, medical gases and chemicals, as well as suppliers of services under European tendering procedures;
- g. concluding agreements in connection with the (central) insurance portfolio of UM.

3.1.3 Reserved powers of Accommodation:

- a. establishing building rights, acquiring, disposing of, encumbering, renting and leasing immovable property of the university and making immovable property of the university available to third parties;
- b. authorising the cancellation of mortgage registrations and attachments as well as any other act of ownership;
- c. allowing the head of the management unit to use (parts of) university buildings.

3.1.4 Reserved powers of ICT:

- a. making choices when acquiring and replacing group information systems, central computer facilities, MAASnet and licensed software;
- b. the architecture and standardisation of infrastructure and software, including determining directions for their use;
- c. formulating conditions in the area of decentralised automation systems and software.

3.1.5 Reserved powers relating to undertaking commitments:

- a. undertaking commitments that can be valued in money with a monetary value of \geq €750,000 per agreement; for the service centres and the MUO, a monetary value \geq €250,000 per agreement applies;
- b. undertaking commitments that can be valued in money regardless of the amount of the monetary value, if the agreement deviates from the UM Regulations mentioned in 2.1.5 under a to the disadvantage of the university;
- c. decision-making on the basis of the UM Patents Regulations and the UM Patents Implementation Regulations;
- d. entering into collaboration agreements at the institutional level, concluding joint arrangements with other higher education institutions or agreements involving cross-management unit interests.
The Board will send a copy of the agreement to Finance/ADP.

3.1.6 Reserved powers relating to (legal) proceedings:

- a. conducting legal proceedings, referring disputes to arbitrators, concluding settlement agreements, consenting to a composition, acquiescing in court decisions and decisions of arbitrators, all this insofar as this does not concern powers attributed to another body;
- b. deciding on notices of objection, as referred to in the Dutch General Administrative Law Act, against decisions taken by virtue of a mandate.

3.1.7 Reserved powers relating to legal entities and organisational units:

- a. (co-)establishing or participating in legal entities;
- b. disposing of parts of the organisation or divesting activities.

3.1.8 Reserved powers relating to UM house style, name and logo:

- a. determining the general UM house style which is binding for all parts/management units of UM;
- b. granting consent to third parties for the use of the name and/or the logo of the university.

3.1.9 Miscellaneous reserved powers

- a. Establishing dismissal schemes;

- b. Applying for licences which the law requires the competent authority itself to apply for or which transcend management units, including licences under the Randwijck complex licence, the Dutch Nuclear Energy Act ('KEW') and the Radiation Protection Nuclear Energy Act Decree (BSK) and the Genetically Modified Organisms Decree and Regulations (GGO), with the exception of licences for working with Genetically Modified Organisms in connection with research experiments, the application authority for which has been mandated to the biological safety officer.

3.1.10 General reservation on the exercise of a mandate:

as a general reservation with regard to the exercise of every mandate, the mandatee consults in advance with (the respective portfolio holder of) the Executive Board if a decision is to be taken that:

- a. relates to a decision of a principal or controversial nature;
- b. relates to a decision in which the prescribed mode of deliberation or discussion has not yet been completed;
- c. entails new policy initiatives by management units that can reasonably be expected also to affect other management units when implemented;
- d. gives rise to important side issues or additional consequences such as a new decision to be taken setting a precedent or a series of decisions taken, including in any case the creation of a significant risk of legal proceedings, as well as any foreseeable publicity.

CHAPTER 4 FINAL PROVISIONS

- a. These regulations may be referred to as the 'UM Mandates Regulations'.
- b. The UM Mandates Management regulations as adopted on 3 December 2020 have been repealed by these regulations.
- c. These Regulations become effective on 10 January 2023.