

THE EXECUTIVE BOARD OF DELFT UNIVERSITY OF TECHNOLOGY

In consideration of the need for rules and regulations concerning the proper use of the buildings, grounds and facilities of Delft University of Technology by students and visitors;

In accordance with article 7.57h and article 9.2, first paragraph, of the Higher Education and Scientific Research Act of the Netherlands;

Having heard the Central Student Council (consultation meeting of 18 March 2004);

RESOLVES

To establish the following Regulations:

Article 1 Definitions

- 1.1 WHW
Higher Education and Scientific Research Act of the Netherlands (Staatsblad Bulletin of Acts and Decrees 1992, 593);
- 1.2 TU Delft
the legal entity Delft University of Technology as referred to in article 1.8 paragraph 2 of the WHW;
- 1.3 Executive Board
the Executive Board of TU Delft as referred to in article 9.2 of the WHW;
- 1.4 Facility Manager
a functionary appointed by the Executive Board in accordance with article 34 of the Executive and Management Regulations of TU Delft;
- 1.5.1 Student
anyone who is enrolled at TU Delft for the purpose of education provided by TU Delft and who uses the educational and examination facilities of TU Delft for this purpose;
- 1.6 Visitor
anyone who is not a student nor is employed by TU Delft as referred to in article 1.1 of the Collective Labour Agreement (CAO) for Dutch Universities.

Article 2 Compliance requirement for rules, guidelines and instructions

- 2.1 Any student or visitor making use of the grounds, buildings or facilities of TU Delft is required to comply with all rules, instructions and/or directions issued by the Executive Board or the Facility Manager with regard to maintaining order and proper conventions within the buildings and on the grounds, as well as to observe and comply with the rules and regulations with regard to appropriate and legitimate use of the facilities of TU Delft scrupulously and without delay, and is required to deport him or herself such that:
 - a. he or she does not cause direct or indirect damage to TU Delft nor to other persons who are present on the grounds or in the buildings of TU Delft or who make use of the facilities of TU Delft, nor that he or she causes nuisance or annoyance;
 - b. he or she does not infringe on the rights of TU Delft or of other persons who are present on the grounds or in the buildings of TU Delft or who make use of the facilities of TU Delft;
 - c. he or she does not act contrary to statutory obligations;
 - d. he or she does not act contrary to appropriate and proper social conventions with regard to people or property.
- 2.2 It is prohibited to wear clothing that covers the face or to wear other clothing and/or accessories that severely interfere with non-verbal communication between teaching staff and students or between students themselves or between members of the teaching staff. It is prohibited to wear clothing that covers the face or to wear other clothing and/or accessories

when sitting an examination that severely limit the ability to establish the identity of the person in question.

- 2.3 The Facility Manager may, on behalf of the Executive Board, issue instructions and directions for the purpose of ensuring the smooth and proper use and functioning of the rooms in the buildings entrusted to the Facility Managers and the grounds of TU Delft as well as with regard to TU Delft facilities for which the Facility Manager holds responsibility.

Article 3 Disciplinary Measures

The Executive Board or a Facility Manager may take the following measures against any student or visitor who fails to comply with the contents of these Regulations, with due observance of the procedure described in these Regulations:

- a. excluding the student or visitor from the buildings and grounds of TU Delft or from one or more parts of TU Delft, with the proviso that a student may only be excluded from buildings or grounds in whole or in part for a period not to exceed one year;
- b. excluding the student or visitor from the use of the facilities of TU Delft;
- c. fining the student if such fine has been agreed on or follows from statute;
- d. issuing a written reprimand.

Article 4 Exclusion Order by the Facility Manager

- 4.1 A Facility Manager may immediately issue an exclusion order for the buildings or grounds under his responsibility, or for parts of those buildings or grounds, for a period of 12 weeks at most to a student or visitor who commits an infringement on these Regulations or the rules referred to in article 2, or he may issue an exclusion order for the university or faculty facilities falling under his responsibility if in his judgment immediate exclusion is deemed necessary under the circumstances.
- 4.2 Anyone who is subjected to measures as referred to in the first paragraph will be given the opportunity for a subsequent hearing as soon as possible by or on behalf of the Facility Manager concerned if this was not previously possible due to the urgent nature of the matter at hand.
- 4.3 A Facility Manager may submit a substantiated request to the Executive Board to extend an exclusion order with due observance of the provisions established in article 5.

Article 5 Exclusion order by the Executive Board

- 5.1 A Facility Manager may submit a substantiated request to the Executive Board to issue an exclusion order for the buildings and grounds of TU Delft or one or more parts of the buildings and grounds of TU Delft to students or visitors who infringe on these Regulations or the rules referred to in article 2 or who fail to meet the conditions stipulated by any disciplinary measures.
- 5.2 A copy of the Facility Manager's written request will be sent to the person who is the subject of the exclusion order.
- 5.3 The Executive Board will decide on the request as referred to in the first paragraph of this article within a reasonable amount of time.
- 5.4 The exclusion order will contain at least the following:
- a. an indication of the buildings and/or grounds or the parts of the buildings and/or grounds of TU Delft and/or the facilities or use of the facilities of TU Delft to which the exclusion order applies;
 - b. the duration of the exclusion order;
 - c. the reasons for the exclusion order;
 - d. any conditions which will result in the effectuation of the exclusion order in case of noncompliance.
- 5.5 If in the judgment of the Executive Board the situation is considered serious enough to warrant issuing an immediate exclusion order, then the Executive Board may – in anticipation of the decision as referred to in the first paragraph – extend the exclusion order as referred to in article 4 by a maximum of four weeks, that is to say that the exclusion order may apply for up to twelve weeks without the person concerned having been heard.

Article 6 Termination of the exclusion order

TU Delft student and visitor regulations for the use of buildings, grounds and facilities 3

- 6.1 The Executive Board may, of its own accord or in response to a request by a person who is subject to a disciplinary measure in the form of an exclusion order as referred to in these Regulations, choose to terminate the exclusion order or alter its scope before it has elapsed if there is sound reason to do so according to the judgement of the Executive Board.
- 6.2 The Executive Board may attach special conditions to the termination or alteration of the exclusion order.
- 6.3 If in the judgment of the Executive Board the person subject to the exclusion order, and on behalf of whom a proposal to terminate said order has been forwarded, has not met the special conditions set by the Executive Board, then the original exclusion order will once again be put into force; the period of time that has passed since the termination or alteration of the exclusion order will not be deducted from the originally specified period in this case.

Article 7 Entry into force

These Regulations enter into force on the first day after the publication date of the Delta issue in which the substance of these Regulations is made known.

Article 8 Method of Citation

These Regulations may be cited as "Regulations for the use of buildings, grounds and facilities by students and visitors of Delft University of Technology".

The Regulations will be posted on the TU Delft website along with explanatory notes. This posting will be announced in TU Delft's weekly Delta.

Drawn up in the meeting of 13 April 2004.

G.J. van Luijk
Chairperson

EXPLANATORY NOTES

General

Article 7.57h of the Higher Education and Scientific Research Act of the Netherlands establishes that the managerial board of the institution may issue rules to ensure the proper use of the buildings and grounds of the institution. Based on this article's publication in title 3 "Students and External Students" and the content of this title, it would appear that this provision is reserved exclusively for those who are studying at the university. The regulations named in that article are house rules and rules of order according to the text of article 7.57h of the Higher Education and Scientific Research Act of the Netherlands, and these rules and regulations need to be incorporated in a universally binding regulatory document.

TU Delft has not yet fully addressed this provision. The university has, however, established the "TU Delft Management Regulations on use of ICT facilities by students" with reference to article 7.57h of the Higher Education and Scientific Research Act of the Netherlands. These regulations therefore form a binding regulatory document for the purposes of article 7.57h of the Higher Education and Scientific Research Act of the Netherlands.

The TU Delft student and visitor regulations for the use of buildings, grounds and facilities (hereinafter: "the Regulations") fill this gap. The objective of the Regulations is primarily to maintain order and compliance with house rules by providing a universally binding regulatory document for TU Delft buildings and grounds. These regulations represent a resolution in accordance with the General Administrative Law Act (Awb) with regards to students, based on the Executive Board's authority pursuant to article 7.57h of the Higher Education and Scientific Research Act of the Netherlands.

TU Delft student and visitor regulations for the use of buildings, grounds and facilities 4

The buildings and grounds of TU Delft are not just used by students and employees, but by visitors (third parties) as well. These Regulations therefore apply to this category too. Visitors are those who are not a student or employee of TU Delft for the purposes of these Regulations. Visitors are generally considered to be subject to private law whereby TU Delft is the facility manager. The University feels that norms of behaviour should be established for visitors as well. This follows from article 9.2, first paragraph of the Higher Education and Scientific Research Act of the Netherlands. These norms are practically the same as those for students. These Regulations are therefore intended for both groups.

Employees are defined by article 1 of the Collective Labour Agreement (CAO) for Dutch Universities (part 1 – public universities) as those who are employed by an institution.

Article 11 of the Collective Labour Agreement (CAO) for Dutch Universities (part 1 – public universities) states that employees must comply with the rules and regulations of the employer. The employer may impose disciplinary measures in case of infringement. Separate house rules and rules of order are not specifically required for employees, however it is important to consider the special employer-employee relationship in case of disciplinary measures. These Regulations therefore do not apply to employees.

The primary intent of these Regulations is that TU Delft students and visitors are required to comply with the rules and instructions for conduct and order as established by the Executive Board as well as instructions issued by the Executive Board for making use of the grounds, buildings or facilities of TU Delft. Furthermore, the Executive Board or the Facility Manager may take disciplinary measures against those who fail to comply with the rules and regulations or who behave in an unseemly or reckless fashion. The available disciplinary measures are also explained in the Regulations. The Regulations are therefore designed especially to describe the procedures related to preserving order. Substantive house rules are to be incorporated in separate instructions, as explained below in article 2.

Article by article

Article 1

The terms used in the Regulations are defined in this provision. Article 1.3 gives the definition of the Executive Board. The Executive Board is the managerial board of the institution, as referred to in article 7.57h of the Higher Education and Scientific Research Act of the Netherlands.

Provisions regarding Facility Managers (article 1.4) are taken from the Executive and Management Regulations TU Delft. The Dean is the Facility Manager for each faculty. Article 4 of the Regulations empowers the Facility Manager to take emergency measures in case of infringement. These measures may be temporary. The Facility Manager may request a further exclusion order from the Executive Board in accordance with article 5. The Facility manager may also impose further rules as described in and in accordance with article 2.3.

Article 1.5 of the Regulations gives the definition of a student. The definition indicates that a person may be considered a student even if he or she does not take classes at TU Delft. An external student may therefore also be considered to be a student in the sense of article 1.5.

The “visitor” category should be considered to be a catch-all category pursuant to article 1.6. People in this category are therefore not students as referred to in article 1.5 or employees of TU Delft. An employee is someone who is employed by TU Delft, as referred to in article 1.1 of the Collective Labour Agreement (CAO) for Dutch Universities (part 1 – public universities).

Article 2

This article establishes the compliance requirement for students and visitors. Article 2.1 requires compliance with rules, regulations and instructions and furthermore that students and visitors must obey all statutory laws and must not engage in inappropriate behaviour. Inappropriate behaviour is considered to be reprehensible if the person in question is also in violation of statutory law as referred to in article 6:162 of the Netherlands Civil Code (BW). This type of unlawful behaviour is covered by article 2.1, d.

[TU Delft student and visitor regulations for the use of buildings, grounds and facilities 5](#)

Violations of article 2.1 paragraphs a through c will in general also fall under the category of unlawful acts.

Also included in the regulations in article 2, first paragraph, are the following: rules with regard to fire safety and other safety regulations, occupational health and safety legislation, environmental legislation, TU Delft traffic rules, non-smoking regulations on the TU Delft campus, TU Delft computer and network facility rules, and rules regarding identification and dress code. This list is not exhaustive. It serves as an indication that other regulations and instructions should be consulted with regard to substantive house rules.

The Regulations provide an opportunity for including substantive general instructions: article 2.2 includes a dress code which precludes the wearing of articles of clothing that cover the face. The goals of this prohibition can be objectively justified: to guarantee good communication in the educational setting and to facilitate the identification of those present in buildings or of students who are sitting exams. The phrasing meets the requirements of the "Guidelines for clothing at schools" as issued by the Minister of Education, Culture and Science.

Article 2.3 gives Facility Managers the power to issue instructions and orders at a local level on behalf of the Executive Board. It should be clear that only the Executive Board is authorised to issue rules and regulations that apply to the whole of TU Delft. Instructions at a local level might include, for example, rules for the proper use of computer rooms.

Article 3

This article lists the available disciplinary measures. A disciplinary measure in the form of an exclusion order may be temporary, conditional or permanent. In the case of students, this may only be a temporary exclusion order with a duration of 1 year maximum (Higher Education and Scientific Research Act of the Netherlands). Permanent exclusion orders may only be issued to visitors; this applies of course only in very serious cases.

Exclusion orders issued by the Facility Manager are dealt with in article 4. Article 5 concerns exclusion orders by the Executive Board. Conditional exclusion orders enter into force only if the condition or conditions upon which the exclusion order is imposed are or have been met. Oral or written warnings may of course also be issued.

Article 4 also provides the Facility Manager with the power to take emergency measures in the form of an exclusion order for a maximum of 12 weeks. The Executive Board may extend the exclusion order at the Facility Manager's request. The Facility Manager may also request the Executive Board to issue an exclusion order directly, in accordance with article 5.

The above in no way diminishes the authority to enforce regulations through disciplinary measures, which may be followed by a written decision.

Article 4

It is also possible that a situation may arise which requires the Facility Manager to issue an immediate exclusion order for university buildings, grounds or the use of university or faculty facilities as a temporary measure. This provision regulates an exclusion order as mentioned and contains instructions for the procedure to be observed should a temporary exclusion order be required.

The Facility Manager may impose a measure for a maximum of twelve weeks. The General Administrative Law Act (Awb) article 4:8 regulates hearings, which also applies to decisions regarding students based on the Regulations. Due care requires visitors to be considered equivalent to students, which also applies to the contents of article 5 of the Regulations. The second paragraph indicates that the person in question is to have a hearing as soon as possible after a measure is taken if the person in question could not be heard prior to the measure being taken due to the urgent nature of the measure; this exception is provided for in article 4:11 of the General Administrative Law Act (Awb).

TU Delft student and visitor regulations for the use of buildings, grounds and facilities 6

The article therefore only allows the Facility Manager to issue exclusion orders that are limited in their duration. The Facility Manager may send a substantiated request to the Executive Board for extending or issuing a new exclusion order. The Executive Board acts with due observance of the provisions in article 5. The Facility Manager may also approach the Executive Board directly with a substantiated request for an exclusion order according to article 5 without having first taken disciplinary action in accordance with article 4.

Article 5

The first three paragraphs of this provision regulate the procedure that the Facility Manager must follow if he requests the Executive Board to issue an exclusion order against a person who has infringed on article 2 of the Regulations (whether or not article 4 has been applied).

The General Administrative Law Act (Awb) indicates in article 4:8 that the person in question must be given the opportunity for a hearing prior to any disciplinary measure.

The article's fourth paragraph stipulates the criteria that an exclusion order must meet. The stipulations in paragraph d apply to conditional exclusion orders.

The article's fifth paragraph provides the Executive Board with the power to extend the duration in article 4, first paragraph, by a maximum of four weeks or – if article 4 has not been applied by the Facility Manager – to issue an exclusion order for a maximum of twelve weeks if the situation is serious enough to require this. A prior hearing need not be held (General Administrative Law Act (Awb) article 4:11) in view of the urgency of the disciplinary measures. The person in question will have a hearing on the final decision regarding disciplinary measures in any case.

Article 6

This article provides instructions for the procedures to be followed for terminating the exclusion order by the Executive Board. The Executive Board may decide upon termination on its own accord or at the behest of the person in question.

Articles 7 and 8

These articles provide details on the moment of entry into force of the measures and the required method of citation, respectively. It is advisable to post notices at the main entrances of buildings that these Regulations and house rules are in force in all buildings, grounds and facilities of TU Delft and to make them available for public inspection at the reception desk or with the Facility Manager of the building.

G.J. van Luijk
Chairperson