

Disclaimer:

This is an unofficial translation of the *Deelnemersstatuut* of ROC Mondriaan. In all legal matters, the Dutch original version applies.

PARTICIPANT CHARTER OF ROC MONDRIAAN

Effective as of: August 1, 2007

CONTENTS

Article 1	Definitions and scope
Article 2	Admission
Article 3	Education Regulations
Article 4	Rules of conduct
Article 5	Data registration
Article 6	Student participation
Article 7	Disciplinary action
Article 8	Rights to complaint and appeal
Article 9	Publication and changes Charter
Article 10	Final clause
Article 11	Citation title

The Participant Charter (*Deelnemersstatuut*) establishes the rights and obligations of the participants of the ROC Mondriaan that are not established in other documents. These include: the Central Examination Regulations (*Centraal Examenreglement*), the Teaching and Examination Regulations (*Onderwijs- en Examen Reglement*), the Education Agreement (*Onderwijsovereenkomst*) and the Vocational Education and Training Agreement (*BPV-overeenkomst*). The Charter may include additional descriptions for competence-based learning. The Participant Charter was established by the Executive Board (*College van Bestuur*) on June 12, 2007 and is effective as of August 1, 2007. When the masculine form is used, the female form can also be read.

ARTICLE 1 Definitions and scope

1.1 Definitions

Definitions used in Participant Charter (hereinafter "Charter"):

- applicant: a person or his legal representative who has expressed interest in following courses at ROC Mondriaan.
- Executive Board: the Executive Board in charge of ROC Mondriaan.
- participant: a person or his legal representative who has enrolled in courses at the ROC Mondriaan and has signed the Education Agreement.
- participant pass: identity card issued to each participant.
- Chair of domain management: person having final responsibility of a domain, or a person appointed by the Chair of the domain management based on a written decision.
- educational activities: all supervised activities taking place inside or outside the school's premises or during practical training.
- educational support system: possibilities within the curriculum and support available to enhance the results of the participant's studies.
- education manager: person in charge of courses within a cluster who reports to the Chair of domain management.
- Rules of Procedure (*Reglement van Orde*): Rules of Procedure of the Appeals Committee (*Commissie van Beroep*) for Examinations and the Disputes Committee (*Geschillencommissie*) based on the Charter.
- Code of Conduct: the Code of Conduct ROC Mondriaan for employees as well as participants.¹
- counselor: an umbrella term used in this Charter including mentor, tutor, education counselor, coach, career counselor, vocational counselor.
- study progress file, or development portfolio: combined data showing participant's development.
- examination participant: a participant who has concluded an examination agreement and is therefore entitled to participation in the examination, but is not entitled to follow courses.
- period: a school year is divided into a number of units which may consist of education and/or vocational training.
- *WEB*: Adult and Vocational Education Act (*Wet Educatie and Beroepsonderwijs*)

1.2 Scope

This Charter applies to all participants registered with the organization who are enrolled in regular vocational training courses and educational courses, to all applicants as defined in this Charter and to all employees of ROC Mondriaan. The Charter is applicable to all premises where activities of the ROC Mondriaan are taking place, and to all extra-curricular activities within the scope of the courses. The Charter also applies to practical training.

ARTICLE 2 Admission

2.1 Admission criteria

The Chair of domain management establishes the admission criteria for applicants and ensures that there is sufficient information on the admission procedure available to applicants. The WEB serves as the guideline for establishing the admission criteria.

¹Please refer to www.rocmonaan.nl for complete Code of Conduct

2.2 Intake procedure

In order to provide solid advice to the applicant on his education, an intake procedure takes place preceding the admission. Taking into account the centrally established policy regulations, the Chair of domain management determines the details of the procedure.

The procedure includes guidelines for:

Education:

- a detailed registration of previous relevant experience, educational and other;
- an orientation on study objectives and possibilities;
- testing of Dutch language skills and general study skills;
- recommendation.

Vocational education:

- a detailed registration of previous relevant experience, educational and other;
- verification of expectations as to education and profession;
- for all level 1 and 2 courses, a first recommendation to the participant on additional educational support required for successful participation in the courses.

The procedure *may* also include:

- testing of specific skills;
- for level 3 and 4 courses, a first recommendation to the participant on additional educational support required for successful participation in the courses.

The Chair of domain management may decide to spread out the intake procedure over a certain period. Assessment procedures such as additional tests or simulation exercises may be charged. The participant will be notified of these charges in advance. The outcome of the intake procedure will be described in a written recommendation on courses to be taken. Should the selected courses turn out not to be suitable for an applicant, a recommendation will be given under responsibility of the Chair of domain management on other courses offered by ROC Mondriaan. Should enrollment in ROC Mondriaan courses not be possible, the Chair of domain management will make an effort to enroll the applicant in courses offered by institutions other than ROC Mondriaan, arrange a traineeship or placement with a social services organization.

The Chair of domain management may decide to partially or completely skip the intake procedure, should the applicant have gone through an intake procedure recently, or when relevant information already available makes the intake procedure redundant.

This decision will be notified in writing by the Chair of domain management to the applicant. The decision can be appealed by the applicant by filing a complaint with the Disputes Committee within two weeks. The applicant will be informed in writing of his rights to file a complaint.

2.3 No space or courses cancelled

As soon as it is evident that courses are cancelled or in the event that there is no more space in a course, the applicant will be notified in writing.

In that case, the applicant will be referred to the Mondriaan Service Centre for advice free of charge on possible other courses.

2.4 Preparation and support

The intake interview may result in agreements on additional educational support by the educational support system which will be described in the Education Agreement.

The agreements may include refunding charges of the additional educational support to ROC Mondriaan, should the participant not conclude the courses at ROC Mondriaan.

2.5 Complaint on non-admission

The reasons for non-admission will be communicated in writing by the Chair of domain management. The applicant can file a complaint with the Disputes Committee within two weeks. The applicant will be notified in writing of his rights to appeal.

ARTICLE 3 Education regulations

3.1 Right to proper education

The participant is entitled to relevant and well organized courses. Should school activities be cancelled due to illness or circumstances beyond control, the participant will be notified as soon as possible and a proper solution will be found.

The participant is entitled to commitment by the employees to the agreements as described in the Education Agreement. The participant is also entitled to adherence by the employees to the stipulations in the Teaching and Examination Regulations as established by the Executive Board, and in which the content and the organization of the courses and the exams are defined.

The participant is entitled to correct behavior on the part of the employees, which includes abstention from (sexual) intimidation, racism, violence or other offensive behavior or speech.

3.2 Right to counseling

The participant has the right to appropriate counseling, which includes study, career and course selection. The counselor is the first point of contact for the participant for questions related to courses. The participant discusses study progress with his counselor regularly, or at least once per period, if necessary, the counselor will refer the participant to another expert within ROC Mondriaan to answer questions and solve problems. With the consent of the participant, the counselor accesses referral results as soon as possible and discusses these with the participant.

Should the participant have a complaint about his current counselor, the participant may put in a substantiated request with the Chair of domain management to be assigned to another counselor.

3.3 Obligation of the participant

The participant is cooperative and enables a proper education for himself. The participant has the obligation to complete the assignments within the framework of the courses to the best of his abilities. Course attendance at school or at the location of the practical training is mandatory. In case of illness or any other urgent reasons for absence, the participant should adhere to the non-attendance protocol. The non-attendance protocol is included in the information distributed to all participants upon enrollment. The participant is obliged to carry the required books or study materials. Should the obligations as described in this article not be met, measures as described in article 3.5. may be taken.

3.4. Study progress file

Study progress will be recorded in a file. The participant can always have access to his file. The counselor writes a short report on the study progress meetings, related agreements and recommendations. After the participant's approval of the report, it is included in the file. Should the counselor and the participant not agree on the report, the reasons thereof will be recorded in the file.

3.4a Development portfolio

The participant writes reports, which have to be approved by the career counselor before they are included in the development portfolio.

3.5 Binding study recommendation

Should the education manager think that the participant is not able to complete the agreed curriculum, he may recommend to end the course immediately, or at a time to be determined. The education manager will substantiate his recommendations and informs the participant of the possibility of appeal with the Chair of domain management.

Within four weeks after the mailing date of the recommendation, the participant may inform the Chair of domain management, in writing, that he wishes to continue the courses anyway. After hearing the participant, the Chair of domain management may set conditions for following the courses. Should the participant not meet the conditions, the Chair of domain management may change the study recommendation to a written and substantiated decision to end the agreed curriculum. Before taking the decision, the participant will be heard and again informed on the reasons for the decision. Should the agreed curriculum be ended, the Chair of domain management will make an effort for the participant to be placed elsewhere within ROC Mondriaan. Should placement within ROC Mondriaan not be possible, the Chair of domain management will make an effort to find placement for the participant with another educational institution, place of employment, or a social services organization.

3.6 Information on the curriculum

Upon commencing the courses, the participant receives relevant information on the domain of his study. The Teaching and Examination Regulations are available on website www.rocmondriaan.nl.

3.7 Participant pass

Upon commencing the courses, the participant will receive a personal participant pass. The participant is obliged to have his passport photo taken at school for the participant pass. The participant is to handle the pass with care and to carry it with him at all times when being present on the premises of ROC Mondriaan or when participating in extracurricular activities.

The participant is obliged to register his presence at educational activities. Entrance to the building or courses may be refused if the participant cannot present his participant pass upon request.

3.8 Participant involvement in quality assessment and quality control of the courses

The Chair of domain management enables the participant to regularly and systematically assess the courses, as part of the quality control policy of ROC Mondriaan. Should a participant have a suggestion for improving the courses or the organization of the courses, he can deposit his substantiated proposal in writing with the Chair of domain management.

3.9 Vocational training

Vocational training is part of vocational education. ROC Mondriaan and the participant has the obligation to making every effort to find an appropriate place for vocational training. The participant is allowed to propose possible places for vocational training, which have to meet the knowledge centers' demands. These proposals may be accepted. Education domain courses may include traineeships.

3.10 Exit interview upon departure

An exit interview will be held with the participant who leaves ROC Mondriaan early. During the exit interview, the participant will be asked about his experience during the training and the reasons why the participant is leaving ROC Mondriaan.

The outcome of the exit interview is recorded in writing. The participant will receive a copy of the document, in which the conclusions of the exit interview are recorded.

3.11 Course Instruction in Dutch

Dutch is the language of instruction and the working language, unless a language other than Dutch is functionally more appropriate. A vocational training participant, who does not have sufficient knowledge of the Dutch language, will receive additional courses. This will be described in the Education Agreement.

3.12 Parental involvement in participant study progress

ROC Mondriaan welcomes parental involvement in the study progress of the child. Participants of 18 years and older can indicate in writing if they wish their parents to be informed on their study progress.

ARTICLE 4 Rules of conduct

4.1 Code of conduct

ROC Mondriaan has a code of conduct which applies to everyone at ROC Mondriaan, employees as well as participants. This code is established by the Executive Board, after approval by the Participation Council and can be found at www.mon3aan.nl. This Code of Conduct is a guideline for communication and therefore contributes to creating a stimulating study and work environment.

4.2 Causing damages

Should participants cause damages to equipment or buildings on purpose or by gross negligent behavior, charges may be recovered from the participants.

4.3 Use of communication devices

The use of mobile phones and other communication devices is not allowed during educational activities, unless required for the course. The Chair of domain management may also establish specific locations in the building designated for making calls.

4.4 Appearance

When following courses, the participant's appearance should be similar to the dress code which applies in a professional situation. Clothing which covers the face and therefore hinders identification, is prohibited. The Chair of domain management can only make additional requirements to clothing or appearance, if:

- security requirements have to be met;
- this is functional or desirable within the framework of the courses and professional situation;
- this is standard within the profession;
- the current prevailing standards of behavior are being violated.

4.5 Protection of health and welfare

Smoking and using alcoholic beverages are prohibited in the buildings and on ROC Mondriaan premises, unless explicitly allowed by the Chair of domain management. Using, possessing, or selling drugs, fireworks or weapons in the buildings and on the premises of ROC Mondriaan is prohibited. Should a participant carry alcohol, drugs, fireworks or weapons in the school buildings or on ROC Mondriaan premises, these will be confiscated and turned over to the police. ROC Mondriaan is not liable for any damages resulting from these measures.

ARTICLE 5 Data registration

5.1 Participant registration file

The personal data of the participant will be included in a file kept by ROC Mondriaan. The file meets the criteria posed by the Data Protection Act (*Wet Bescherming Persoonsgegevens*). The participant is responsible for the accuracy of the data.

5.2 Processing personal data in participant's registration file

The reasons for use of personal data and those entitled to access the data are described in the ROC Mondriaan Privacy Regulations.*

5.3 Right to access

The participant is entitled to access the data on him as described in article 19 of the Privacy Regulations. Should a participant suggest a change, the Chair of domain management will inform the participant within two weeks whether the suggestion will be processed. A complaint may be filed with the Disputes Committee against the decision not to or to partially process the corrections.

5.4 Duty to convey changes

The participant is obliged to immediately convey changes in his personal data, including moving to another address, to the participant administration of the relevant domain.

5.5 Register of former participants

ROC Mondriaan maintains a register of former participants, to which the Data Protection Act applies. The register also indicates whether the participant has obtained a diploma at ROC Mondriaan and if so, the type of diploma.

5.6 Destruction of personal data

Personal data and, if applicable, the exit interview report may not be kept any longer than the term indicated by law after the participant has left ROC Mondriaan. Personal data may be deleted at the request of a former participant.

Data for statistical purposes, which only contains anonymous data, may be kept indefinitely.

*

* see www.rocmondriaan.nl

ARTICLE 6 Student Participation

6.1 Participation Council (Medezeggenschapsraad, MR)

Participants are entitled to participate in the Participation Council. Members of the Participants Section of the Participation Council are elected by the participants.

6.2 Division Councils (deelraden)

Participants are entitled to participate in the Division Councils. Members of the Participants Section are elected by the participants.

6.3 Participant Council (deelnemersraad)

For each of the domains or for ROC Mondriaan in its entirety, a Participant Council may be established by participants. Upon request, the Chair of domain management (when pertaining to a domain) or the Executive Board (when pertaining to ROC Mondriaan in its entirety) may offer facilities for proper functioning of the council.

The Participant Council (when pertaining to a domain) can make recommendations, solicited or unsolicited, to the Chair of domain management and the Participation Council and (when pertaining to ROC Mondriaan in its entirety) to the Executive Board.

ARTICLE 7 Disciplinary action

7.1 Disciplinary action

Should the participant not behave correctly or not adhere to the regulations. The advisor may, according to his own judgment, take the following measures:

- a warning;
- a reprimand;
- removal from the situation where the behavior takes place;
- obligation to carry out additional tasks.

Furthermore, the Chair of domain management is authorized to take the following measures:

- a written reprimand;
- denying access to certain educational activities for a maximum of one school week;
- suspension;
- expelling after repetition of offense.

If there is reason to suspect a criminal offense, the Chair of domain management will bring in the police in cases which are further described in the Action Protocol.²

7.2 Suspension

The participant may be suspended, for reasons made known, for a maximum period of two school weeks. The participant will be informed of the decision to suspend by registered mail.

7.3 Expelling after repetition of offense

After suspension, should the participant again display behavior or actions in conflict with the Charter or the content stated in the Education Agreement, or seriously misbehave he may, after being heard by the Chair of domain management, be expelled permanently. The participant will be informed of the decision of permanent suspension by registered mail.

7.4 Emergency measures

The Chair of domain management may, without any written notification, in cases of theft, threat, violence, possession of arms, racism or use or possession of drugs, (effective immediately) decide to deny access to one or more buildings of ROC Mondriaan for a maximum of one school week. The Chair of domain management must report this immediately to the Executive Board. The Chair of domain management hears the participant and decides within one week on permanent suspension or other measures. The participant will be informed of this decision by registered mail.

² Agreements were made with Haaglanden Police on when to call in the police

7.5 Suspension for investigation

To investigate the behavior of the participant, the Chair of domain management may, for a maximum of one week during which educational activities take place, suspend the participant. Should it appear that the applicant is guilty of displaying behavior or actions which are in conflict with the Charter or the content as described in the Education Agreement, suspension may lead to any of the disciplinary measures mentioned above.

7.6 Hearing the participant

A written reprimand, denied access to certain courses, suspension or expulsion by the Chair of domain management only takes place after the participant has been heard.

7.7 Appeal to suspension, expulsion or emergency measures

The participant may file a complaint with the Disputes Committee on a decision to suspend, expel or when an emergency measure is taken, within two weeks after the decision has been taken. The participant will be informed in writing of his right to file a complaint.

7.8 Condition permanent suspension of participant still being of school age from courses/programme

Permanent suspension from courses/programme of a participant still being of school age only takes place after the participant has enrolled in another course/programme, at or outside ROC Mondriaan.

7.9 Condition permanent suspension of participant still being of school age from ROC Mondriaan

Permanent suspension from ROC Mondriaan of a participant still being of school age only takes place after another educational institution is prepared to admit the participant, or after the Chair of domain management can show that he has searched for another educational institution for at least eight weeks.

ARTICLE 8 Rights to complaint and appeal

8.1.1 Complaint with the Chair of domain management

Every participant whose interests have been damaged by actions or decisions by another participant or employee of ROC Mondriaan – with the exception of decisions related to exams – has the right to file a complaint with the Chair of domain management and request him to review the decision in this regard. The substantiated complaint must be filed in writing with the Chair of domain management within two weeks after the incident took place or the decision was taken.

Within two weeks of receiving the complaint the Chair of domain management hears the complainant and takes a decision.

8.1.2 Complaint with the Disputes Committee

A complaint may be filed against a decision of the Chair of domain management with the Disputes Committee as mentioned in article 8.1.1. The procedure is outlined in the Rules of Procedure.

8.2 Appeal with the Appeals Committee for the Examinations

Every participant has the right to appeal, by a letter addressed to the Appeals Committee for Examinations should he not agree with the decision of the Examinations Committee or the examiner, related to the result of and treatment during part of the examinations. The procedure is outlined in the Rules of Procedure.

8.3 Confidential counselor and complaint with the Complaints Committee

Every domain has a confidential counselor which the participant can address, when confronted with sexual intimidation, discrimination, aggression or violence by another participant or employee of ROC Mondriaan. The tasks of the confidential counselors include supporting the participant and determining whether the incident is cause for complaint. The participant has the right to file a complaint with the Complaints Committee. The procedure is described in the Complaints Procedures which can be obtained from the confidential counselor upon request. The participant will be informed of the name of the confidential counselor.

8.4 Complaints procedure Education domain

The Education domain has a temporary complaints procedure. This procedure will be included in the Mondriaan complaints procedure to be established.

ARTICLE 9 Publication and changes Charter

9.1 Establishment by Executive Board

The Charter, as well as changes therein, is being established by the Executive Board after the Participation Council's agreement.

9.2 Copy for applicant and participant

The applicant may, upon request, receive or view the Charter.

After placement, the participant will receive a copy of the Charter when signing the Educational Agreement. The Chair of domain management sees to distribution of the Charter. The Participant Charter is also available on the website.

9.3 Information on changes

The participant will be informed of changes in the Charter in the manner determined by the Executive Board.

ARTICLE 10 Final clause

10.1 Unforeseen cases

The Executive Board makes the decisions in unforeseen cases not covered in the Charter.

10.2 Taking effect

The Charter will take effect as of.....

10.3 Evaluation

Two years after taking effect, the functioning of the Charter will be evaluated.

ARTICLE 11 Citation title

This Charter may be cited as Participant Charter of ROC Mondriaan.