

# Statute of the St. Pölten UAS

## Part 1 – Organisation

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## I. Legal Basis

**Sec. 1.** This statute of the St. Pölten University of Applied Sciences (UAS) is enacted according to Art. 10 (3) line 10 of the University of Applied Sciences Studies Act (FHStG), Federal Law Gazette (BGBl.) no. 340/1993 in conjunction with Art. 14 (5) d) University of Applied Sciences Accreditation Regulations (as amended).

## II. Guiding Principles and Tasks

**Sec. 2.** (1) According to Art. 3 (1) University of Applied Sciences Studies Act (FHStG) BGBl. 340/1993, the St. Pölten UAS has the responsibility to offer study programmes on a tertiary educational level which are based on a scientifically sound practical training.

(2) The main objectives are:

1. The guarantee of a practice-oriented training on a higher educational basis
2. The imparting of the ability to solve the tasks and activities of the respective vocational field while keeping the latest scientific findings and future requirements of the practical field in mind
3. The promotion of permeability in the educational system and of the professional flexibility of graduates

**Sec. 3.** The St. Pölten UAS is to observe the principles regarding the design of UAS study programmes laid down in Art. 3 (2) FHStG.

## III. Statute

### 3.1. Scope of Application

**Sec. 4.** The statute is binding for full-time and part-time staff members as well as for degree programme and non-degree programme students.

### 3.2. Content of the Statute

**Sec. 5.** (1) According to Art. 10 (3) line 10 FHStG, the statute is to include in particular:

1. The study and examination regulations (study law)
2. Electoral regulations for the UAS Board
3. The establishment of possible working committees and their statutes
4. Measures to promote equality between men and women
5. Provisions on the promotion of women and
6. Guidelines for the corresponding use of university designations and
7. The awarding of academic titles

(2) This statute is therefore divided into the following parts:

1. Statute part - organisation
2. Statute part - study law
3. Statute part - gender equality, promotion of women and
4. Statute part - use of university designations

### 3.3. Adoption and Amendments

**Sec. 6** (1) Pursuant to Art. 10 FHStG, the statute is to be adopted and amended by the Board in agreement with the Provider according to the following provisions.

(2) A request to the UAS Board regarding the amendment of the statute can be filed by:

1. One or more members of the Board
2. The Chairperson of the Board or her/his deputy
3. The Provider

(3) To amend the statute, a decision of the Board is required.

(4) Following the decision of the Board – irrespective of who requested the amendment – an agreement with the Provider needs to be reached.

(5) Following the establishment of the agreement, the statute in its current version is to be made known and published in an appropriate manner, that is, on the website of the St. Pölten UAS.

### 3.4. Changes Subject to Accreditation

**Sec. 7.** According to Art. 12 (1) of the UAS accreditation provisions (FH-Akkreditierungsverordnung), changes to one of the following items require a decision from the Austrian Agency for Quality Assurance by notice.

1. Sponsoring company
2. Designation of the university
3. Designation of study programmes
4. Qualification goal and profile of study programmes
5. Duration and scope of study programmes
6. Organisational form
7. Languages used
8. Number of study places
9. Wording of the academic degrees to be awarded
10. Location of the university
11. Place of implementation of study programmes

### 3.5. Entry into Force

**Sec. 8.** This statute and its amendments, unless otherwise stated in the decision of amendments, enter into force upon expiry of the day of its announcement.

## IV. Provider of the St. Pölten UAS

**Sec. 9.** (1) According to the FHStG, the St. Pölten University of Applied Sciences GmbH (Fachhochschule St. Pölten GmbH) is the Provider (legal body) of the St. Pölten UAS.

(2) The St. Pölten University of Applied Sciences GmbH, which carries out its activities as a non-profit organisation in accordance with Art. 34 et seq. of the Austrian Fiscal Code (Bundesabgabenordnung), is a contracting authority pursuant to the Austrian Public Procurement Act (Bundesvergabegesetz, GVergG) and is subject to examination by the audit court (Federal Constitutional Law, Court of Audit Act). Its employees are officials according to Art. 74 (1) line 4 Austrian Criminal Code.

(3) Bodies of the St. Pölten University of Applied Sciences GmbH are

1. the general assembly and
2. the Executive Directors.

#### **4.1. Bodies**

##### **4.1.1. General Assembly**

**Sec. 10.** (1) The shareholders of the St. Pölten University of Applied Sciences GmbH, which are comprised of

1. Hochschulen St. Pölten Holding GmbH (74%) and
2. the federal state of Lower Austria (26%),

form the general assembly.

- (2) The general assembly performs the tasks which have been transferred by
1. Law (ia GmbHG) and
  2. Articles of association (e.g. consent to carry out certain businesses).

##### **4.1.2. Executive Directors**

**Sec. 11.** (1) The Executive Directors conduct the transactions of the St. Pölten University of Applied Sciences and are authorised to represent and sign.

- (2) The Executive Directors perform the tasks which have been transferred by
1. Law (i.a. GmbHG)
  2. General assembly and
  3. Instructions of the shareholders (e.g. rules of procedure)
- (3) The Executive Directors can issue instructions or authorisations to individual employees.

#### **4.2. Tasks of the Provider**

**Sec. 12.** In addition to the duties assigned by law, the Provider is especially responsible for the following tasks:

1. Establishment of organisational units and
2. Preparation of a strategy

##### **4.2.1. Establishment of Organisational Units**

**Sec. 13.** (1) The Provider may install organisational units (departments, research institutes, research centres, service units, administrative departments or other organisational units) and therefore is to provide statutes.

(2) When setting up organisational units, attention should be paid to combining research, teaching and learning as well as administration in a suitable manner.

(3) The statutes are to control the organisational units of the St. Pölten UAS as well as the responsibilities of the university's functionaries.

#### 4.2.2. Strategy

**Sec. 14.** (1) The strategy is the strategic planning tool of the St. Pölten UAS. It is to include a description of personnel development in particular.

(2) At the St. Pölten UAS, a strategy period covers four years.

(3) The Executive Directors are to develop a strategy for the following strategy period by 12 December of the last year of the preceding strategy period.

### V. UAS Board and Chairperson of the Board

#### 5.1. UAS Board

##### 5.1.1. Term of Office of the Board

**Sec. 15.** (1) The Board's term of office is 3 years.

(2) The Board's term of office starts with the constituent assembly of the elected Board and ends immediately prior to the constituent assembly of a newly elected Board.

(3) Re-election is possible without limitation.

##### 5.1.2. Constituent Assembly

**Sec. 16.** The constituent assembly should address the following matters in particular:

1. Election of the Chairperson of the Board and her/his deputy
2. Composition of the working committee
3. If applicable, the awarding of academic degrees and nostrification of foreign academic degrees

##### 5.1.3. UAS Board Members

**Sec. 17.** (1) According to Art. 10 (2) of the FHStG, the Board consists of:

1. The **Chairperson of the Board** and a deputy
2. Six Academic Directors of the respective established UAS study programmes (**group of Academic Directors**)
3. Six representatives of teaching and research staff. These are comprised of the following groups of people:
  - a) Five representatives of full-time teaching and research staff (**group of full-time teaching and research staff**)
  - b) One representative of the part-time teaching staff according to Art. 7 (2) FHStG (**group of part-time teaching staff**)
4. Four student representatives of study programmes (**group of students**).

(2) People referred to under para. 1 line 1 to 3 lit. a) can be members of the Board starting with their election for as long as they have existing valid full-time employment relationship with the St. Pölten UAS and a service obligation which exceeds the marginally employed status with a continuous employment of at least six months, calculated from the reference date (cf. Section 25). With the termination of employment, the function as a member of the Board comes to an end as well.

(3) Representatives of part-time staff members according to para. 1 line 3 lit. b) can be Board members starting with their election and for as long as they fulfil teaching responsibilities of at least one semester period per week every second semester. If the teaching obligation required for membership is not met, the function as a Board member ends with the first day of the new semester.

(4) If a person mentioned under para. 1 line 2 to 4 changes to another group, their Board membership ends.

(5) In addition, the Board membership can be terminated by handing in a resignation. A resignation letter is to be provided to the Chairperson of the Board in written form. Replacement takes place in accordance with the electoral regulations for Board members of the St. Pölten UAS.

(6) In case of the elected representatives of one group being continuously prevented, alternate members take their place pursuant to para. 1 lines 3 to 4.

#### **5.1.4. Tasks of the UAS Board**

**Sec. 18.** (1) The Board performs the duties and tasks specified in Art. 10 (3) FHStG as amended.

(2) The Board acts independently concerning the quality of science and teaching as well as in regards to the principle of freedom of science and teaching.

#### **5.1.5. Legal Protection against Sovereign Decisions**

**Sec. 19.** A complaint against a decision of the Board to the Federal Administrative Court is admissible in the following cases:

1. Awarding of academic degrees and their revocation
2. Nostrification of foreign academic degrees, and
3. In accordance with the Provider, awarding of academic titles/designations customary in the university landscape

#### **5.1.6. Electoral Regulation – Election of Board Members**

##### **5.1.6.1. Scope of Application**

**Sec. 20.** This part of the statute (as amended) applies to the election of the UAS Board with the exception of the election of the Chairperson of the Board and the election of the Chairperson's deputy.

##### **5.1.6.2. General Section**

###### **5.1.6.2.1. Electoral Administration**

**Sec. 21.** The organisational units of the St. Pölten UAS are to support the electoral commission in the preparation and holding of the election.



#### 5.1.6.2.2. General Electoral Principles

**Sec. 22.** (1) The principles of equal, personal and secret election apply.

(2) The members of the groups of people represented by the Board according to Section 16 (1) line 2 and 3 lit. a) and b) are elected by members of the respective group according to Art. 10 para. 2 FHStG for an office term of 3 years.

(3) Re-election of the Board is possible.

(4) The appointing of Board members is to take place at such a time that the establishment of the newly elected Board at the end of the office term of the old Board is possible.

#### 5.1.6.2.3. Electoral Commission

**Sec. 23.** (1) For the preparation and holding of the elections of the Board, an electoral commission consisting of five persons (teaching and research staff as well as administrative staff<sup>1</sup>) is established which elects the Chairperson of the Board and a deputy from its midst. Members of the electoral commission are to be in an employment relationship with the St. Pölten UAS and are not bound by any instructions in carrying out this function.

(2) Their task is to hold elections for full-time and part-time teaching and research staff members as well as Academic Directors in accordance with the election principles and the keeping of minutes of the electoral process.

(3) Every group of persons named according to Section 17 (1) line 3 lit. a) and b) sends one person to take part in the electoral committee as a representative. These members of the electoral commission may only belong to those groups of persons who are not up for election.

(4) Additionally, the Board appoints three more persons from the field of UAS units to the electoral commission.

(5) The sending or appointment of members of the electoral commission is to take place in due time before the election of the next Board. The term of office of the electoral commission members ends with the establishment of the respective newly appointed electoral commission.

(6) The chairperson of the electoral commission is to immediately convene the electoral commission via e-mail after receiving knowledge of any circumstances which may require a decision. The convocation of a meeting of the electoral commission may already take place in a previous meeting. Members who are not present at the time are to be informed about the convocation immediately.

(7) The electoral commission has a quorum when three members are present. Decisions of the electoral commission are passed by a majority of votes. A transfer of votes is not permissible.

(8) In particular, the tasks of the electoral commission are:

1. A timely announcement before expiration of the term of office, scheduling of day(s), place(s) and time(s) of the election, preparation and holding of the election according to the electoral rules
2. The review and publication of the voting register of the respective group
3. The acceptance and review for lawfulness of the candidates
4. The withholding of candidacies to improve deficiencies
5. The decision regarding registration (or non-registration) in the electoral roll as active or passive voters
6. The preparation of the ballot

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<sup>1</sup> The departments may delegate members of the teaching and research staff or the administrative staff to represent these groups of persons.

7. The holding of the election and keeping of minutes at the election
8. The counting of votes
9. The determination of the election result
10. The election result is to be published by the head of the electoral commission immediately after the end of all ballots and the counting of votes through notices at all locations and on the intranet (teamwork)
11. The storage and record-keeping of all election documents until the end of the Board's term of office.

#### 5.1.6.2.4. Electoral Roll

**Sec. 24.** (1) For the generation of the electoral roll, the reference date according to Section 25 is essential.

(2) The service unit responsible for human resources and legal affairs of the St. Pölten UAS is to provide an electoral roll of registered voters by order of the head of the electoral commission by the reference date.

(3) The electoral roll is to be made available for access on six consecutive work days in all locations of the St. Pölten UAS, or alternatively via electronic media. Within this period, an appeal against the electoral roll can be filed via e-mail. The final decision – which is to be made three work days after expiration of access – lies with the respective electoral commission. The (adjusted) electoral roll forms the basis of the implementation of the election.

#### 5.1.6.2.5. Notice of Election, Election Days

**Sec. 25.** (1) The announcement of the election is to be conducted by the electoral commission via e-mail and notice at all locations of the St. Pölten UAS six weeks before the first day of the election the latest.

(2) The announcement is to include:

1. Time and place of the election
2. The reference date regarding voter eligibility
3. The period and the locations for access to the electoral roll and the appeal against the electoral roll
4. The request that candidacies for the group of the teaching and research staff are to be made known in person and via e-mail in due time before the election date, otherwise consideration is not possible.
5. The regulation regarding the preparation of candidacies for the representatives to be elected that at least 45% women and
  - a) at least one representative of a lecturer per department;
  - b) at least one representative of a scientific staff member per department;
  - c) at least one representative of a part-time lecturer per department;
  - d) and at least two heads of institutes are to be included.
6. Time and location for access to the list of candidacies from the group of Academic Directors or to the list of candidates from the group of research and teaching staff.
7. The provision that votes can only be cast for the nomination of the group of Academic Directors or for the list of candidates from the group of teaching and research staff. Each person can only run for one group (passive right to vote) and exercise her/his active right to vote in this group. The person in the highest position takes precedence.

(3) Three election days are to be distributed over a week. The election time frames should include at least one morning, one afternoon and one slot around noon.

#### 5.1.6.2.6. Reference Date

**Sec. 26.** The deadline for the active and passive right to vote is the date of the public announcement of the election.

#### 5.1.6.2.7. Execution of Election

**Sec. 27.** (1) The chairperson of the commission is to ensure proper implementation of the election.

(2) The election of the groups according to Section 16 line 2 and 3 is to be conducted in the same time period.

(3) Transfer of voting rights to another person is not permissible.

#### 5.1.6.2.8. Poll Site

**Sec. 28.** The election is to be established in an accessible and barrier-free manner. The Provider is to provide suitable polling stations for the implementation of the election.

#### 5.1.6.2.9. Election Ballot and Vote

**Sec. 29.** (1) Each and every voter is to identify herself/himself by showing her/his Campus Card, ID, passport or driver's licence. A member of the electoral commission must check what type of voter eligibility exists. If she/he is registered in an electoral roll and there is no note that the respective voting right has already been exercised, a member of the electoral commission is to present the voter with a blank ballot and the electoral envelope.

(2) The vote is only valid if the electoral ballot provided by the electoral commission for the individual groups (Section 16) has been used.

(3) The ballot is valid when it clearly states the voter's choice.

(4) If the voter has made a mistake when completing the ballot, another ballot is to be handed out upon the respective voter's request. The voter is to render the first ballot unusable by tearing it apart in front of the commission and to take it with her/him due to confidentiality of the ballot.

(5) The delivery of another ballot is to be recorded in the minutes.

#### **5.1.6.2.10. Determination and Announcement of Election Results**

**Sec. 30.** (1) The election result is to be determined immediately after closing of the election polls and announced via electronic media (teamwork, website).

(2) If the elected members of the Board or their deputies (all elected candidates according to Section 29) do not accept their election, they must prepare a written statement within three work days of the announcement.

(3) If a group of representatives of electoral delegates or nominees appointed to the Board does not fulfil this obligation in time, the Chairperson of the Board is to set an appropriate extension period for the respective group to elect, send and nominate a representative. If this period passes without result, the Board is considered lawfully appointed even without representatives from this group of persons.

#### **5.1.6.2.11. Appeal against and Cancellation of Elections**

**Sec. 31.** (1) From the day of the publication of the election result, the election may be challenged within five work days before the electoral commission. After expiry of this period, the result is valid.

(2) Objections regarding violations of the electoral regulations are to be raised via e-mail.

(3) If an objection is directed against numeral errors or wrong calculations, the electoral commission is to examine the objection, rectify wrong results, revoke announcements already made and announce the rectified result.

(4) If the objection is directed against the violation of electoral regulations, a repetition request is to be included. If the objection is granted, the electoral commission is to determine whether the infringement of the procedure may have an influence on the result. If this is the case, the electoral commission is to suspend the election result and call new elections immediately.

(5) Objections have a suspensory effect in regards to the legal validity of the election until the electoral commission has reached a decision. The electoral commission is to reach a decision in the matter within 12 consecutive work days. If no decision can be reached by the electoral commission within 12 work days, the objection is considered successful.

#### **5.1.6.2.12. Alternate Members and By-Election**

**Sec. 32.** (1) If a member of the Board leaves prematurely, an alternate member moves up the list or is nominated. This takes place according to the order of the achieved result of the respective group.

(2) If the required number of members cannot be appointed even after the nomination of alternate members, by-elections are to take place according to these electoral regulations. The Board is to be informed of such by-elections immediately. The by-election is valid for the remainder of the term of office.

(3) In the case of a tie regarding the group of Academic Directors, a second ballot is intended. In case of a tie in the second ballot, the members are appointed by draw.

(4) Regarding the replacement in the group of Academic Directors, there is no second ballot but a draw by lot.

(5) If no replacement is possible, another member is chosen from the existing Academic Directors.

### 5.1.6.2.13.eVoting

**Sec. 33.** (1) The UAS Board election can also be carried out electronically.

(2) In case of the election being carried out electronically, the Board is to determine further details by decision, especially the applied system. Compliance with the provisions of the electoral regulations as well as with the general data protection regulation is to be ensured. The applied system is to comply with the security requirements of qualified electronic signatures according to the Regulation (EU) no. 910/2014 regarding electronic identification and trust services for electronic transactions on the domestic market and correspond to the repeal of Directive 1999/93/EG, (OJ) no. L 257 from 28/08/2014 page 73, in the rectified version OJ no. L 257 from 29/01/2014 page 19 and ensure that the duties of the electoral commission can be performed in the electronic election.

(3) The system applied in an electronic election should ensure the following:

- a) The preservation of electoral secrecy through methods which ensure that the completed ballots are anonymised and not traceable when they are counted by the electoral commission. At no time may it be possible for the electoral commission or a third party to connect the identity of the voter with her/his voting behaviour
- b) The verification of the identity of the voter within the framework of the election prior to the transmission of the ballot to exclude voting of unauthorised persons and the submission of more than one vote by one person. It is only permissible to use such personal data necessary for carrying out the election
- c) The genuineness of the completed ballot by the use of secure electronic signatures and the confidentiality of election data during the transmission to the electoral commission by encrypting this data to ensure electoral secrecy
- d) Consideration of precipitance protection for the voter as is the case in traditional voting and
- e) The fulfilment of the requirements of the voting booths by the installed technical components for the casting of the vote and the obligation of the voter by the electoral regulations for unobserved and uninfluenced completion of the ballot.

(4) The fulfilment of the security requirements according to para. 2 and 3 is to be certified by a confirmation body (e.g. according to Art. 7 of the Signature and Trust Services Act (SVG), BGBl. I no. 50/2016. and/or a certificate according to common criteria for online elections issued by the Federal Office for Information Security (BSI)).

### 5.1.6.2.14. Ballot Cards and Postal Vote

**Sec. 33a.** (1) In addition to the possibility of personal direct vote, eligible voters from the group of part-time teaching staff are entitled to the alternative option of sending a ballot card to the electoral commission subject to the following provisions (postal vote).

(2) Wherever possible, the provisions of the 1992 election regulations for the National Assembly (NRWO), Federal Law Gazette no. 471/1992, as amended, on the topic of postal vote (ballot cards) apply mutatis mutandis on a subsidiary basis.

(3) When it comes to the right to postal vote, the electoral commission is to issue a personalised ballot card for the respective voter either

1. upon request of the person entitled to vote, or
2. independently in case it has been informed of the reasons for carrying out the vote in this manner.

(4) The request for the issue of a ballot card is to be submitted to the chairperson of the electoral commission no later than by the end of the eight day prior to the first election day. The electoral commission is to decide about the received requests no later than on the seventh day prior to the first election day.

(5) On behalf of the chairperson of the electoral commission, the UAS service unit responsible for Human Resources and Legal Affairs is to draw up a **register of the part-time teaching staff** listing the first and second names and the address of primary residence of the voters eligible for postal vote. Voters for whom a ballot card has been issued are to be marked with “Wahlkarte” (ballot card) or the abbreviation “WK” in this register.

(6) On the sixth day prior to the first election day (at the latest), the electoral commission is to send the ballot card to the person entitled to postal vote by registered letter or to hand it over personally (including confirmation of receipt) in case the person is present at the UAS at this time.

(7) The transmitted documents include:

1. a pre-franked, sealable **envelope** complete with the address of the electoral commission
2. an empty **ballot envelope**
3. a **ballot paper**.

(8) The voter is to place the completed ballot in the ballot envelope, seal it and put it inside the outer envelope. On this envelope, she/he is to confirm by signature that she/he has completed the ballot in a personal, unobserved and uninfluenced manner. Subsequently, the envelope is to be sealed.

(9) Neither the ballot card nor the ballot envelope can feature any writings or signs indicating the identity of the voter.

(10) The voting documents are to be either

1. submitted to the electoral commission in such a way that they arrive no later than by the close of voting on the last election day, or
2. submitted at a polling station during opening hours on one of the election days.

(11) The chairperson of the electoral commission (or her/his vice chairperson) is to write the date and time of receipt on the incoming envelopes and to mark the receipt in the **register of the part-time teaching staff**.

(12) The received envelopes are to be safely stored by the chairperson of the electoral commission (or her/his vice chairperson) until they are officially opened.

(13) Only on the last election day after the end of voting, the electoral commission may begin counting the ballot cards. The commission is to

1. determine the number of returned envelopes,
2. take the ballot envelopes out of the outer envelopes,
3. place the sealed ballot envelopes into the ballot box with the personally submitted ballots, mixed them properly, count them all together, and determine the result.

### 5.1.6.3. Special Section for Academic Directors

#### 5.1.6.3.1. Active and Passive Right to Vote

**Sec. 34.** (1) The active and passive right to vote for the group of representatives of Academic Directors requires that these persons have a valid employment relationship with the St. Pölten UAS and hold the position of Academic Director on the effective date (Section 25).

(2) The group of Academic Directors of all study programmes of the St. Pölten UAS select six persons from among their number for representation in the UAS Board. Every Academic Director can cast up to 6 votes in this electoral process.

#### **5.1.6.3.2. Candidacies**

**Sec. 35.** An Academic Director may refuse to stand as a candidate in the elections only in case she/he has sufficiently justified reasons. If fewer than six heads of study programmes are available as candidates, their number has to be complemented by candidates from among the representatives of the full-time teaching and research staff in accordance with Art. 2 (2) FHStG. In this case, the representatives of the teaching and research staff will be elected by the members of this group.

#### **5.1.6.3. Special Section for Full-Time Teaching and Research Staff**

##### **5.1.6.3.1. Active and Passive Right to Vote**

**Sec. 36.** All members of the full-time teaching and research staff of the St. Pölten UAS with a valid employment relationship on the effective date (Section 25) have the active and passive right to vote.

##### **5.1.6.3.2. Candidacies**

**Sec. 37.** Persons who wish to run for UAS Board member have to submit their candidacy personally and in writing (e-mail is sufficient) to the election commission no earlier than four weeks and no later than one week prior to the first election day.

#### **5.1.6.4. Special Section for Part-Time Teaching Staff**

##### **5.1.6.4.1. Active and Passive Right to Vote**

**Sec. 38.** All Persons (part-time teaching staff) who have fulfilled a teaching obligation of at least one offered semester period per week in the current semester or in the semester prior to the election have the active and passive right to vote.

##### **5.1.6.4.2. Candidacies**

**Sec. 39.** Persons who wish to run for UAS Board member have to submit their candidacy personally and in writing (e-mail is sufficient) to the election commission no earlier than four weeks and no later than one week prior to the first election day.

#### **5.1.6.5. Special Section for Students**

**Sec. 40.** (1) The representatives of the students are selected by the UAS representation. In case these representatives resign, at least three substitute mandataries have to be selected. The body authorised to represent the student union at the St. Pölten UAS announces the selected members to the Chairperson of the UAS Board in writing (by e-mail).

(2) The student representatives can be members of the UAS Board only for as long as they have a valid educational relationship. Once the educational relationship of a student representative ends, a substitute takes her/his place.



## **5.2. Chairperson of the UAS Board**

### **5.2.1. Term of Office of the Chairperson**

**Sec. 41.** (1) The Chairperson's term of office begins two weeks after the UAS Board's inaugural meeting and ends with the takeover of the newly elected Chairperson.

(2) Re-election is possible without limitation.

### **5.2.2. Tasks of the Chairperson of the UAS Board**

**Sec. 42.** (1) In accordance with Art. 10 (4) FHStG, the Chairperson of the UAS Board is responsible for the following tasks:

1. In the case of full-time staff, the issuing of instructions to members of the teaching and research staff regarding the type and scope of their teaching obligation, to the extent required for the proper maintenance of the study programmes according to the curricula
2. The awarding of lectureships on the basis of proposals or after consultation of the UAS Board
3. The external representation of the UAS Board and the execution of the Board's decision.

(2) In case the Chairperson is unavailable, all rights and obligations are assumed by the Vice Chairperson.

(3) The Chairperson of the Board is bound by these Rules of Procedure in the fulfilment of her/his tasks. She/He supports the UAS Board in the preparation of its decision-making processes and reports back to the Board at regular intervals with regard to her/his activities.

### **5.2.3. Election of the Chairperson and Vice Chairperson of the UAS Board**

**Sec. 43.** (1) The election of the Chairperson and Vice Chairperson of the UAS Board as well as the appointment of a secretary take place within a reasonable period after the election of the ordinary members of the Board in two consecutive ballots at the Board's inaugural meeting. The electoral process is governed by the principles of equal, direct and secret ballot.

(2) In order to hold the elections, the Board sets up an election body consisting of three Board members at the meeting during which the election takes place. The oldest Board member (in terms of years of life) is responsible for the establishment of the election body.

(3) In accordance with Art. 10 (3) line 1 FHStG, the Chairperson and Vice Chairperson of the Board are elected in the form of a secret election among the 12 elected and 4 appointed members of the UAS Board based on a shortlist of three candidates proposed by the Provider. With the consent of the Board, the number of proposed persons can be reduced to two.

(4) The person who wins more than half of the votes is appointed Chairperson of the UAS Board.

(5) If the first ballot does not result in a majority in accordance with paragraph 4, there will be a run-off (paragraph 6) between the two candidates who received the highest number of votes in the first ballot. In the event of a tie, this is the prescribed procedure: if any two persons receive the same number of votes in the first ballot, there shall be an election by simple majority between these persons. In case this second ballot results in a tie as well, the decision will be taken by the drawing of lots. The election process is to be carried out in one single meeting.



(6) A simple majority of votes is sufficient to decide a run-off between two persons (paragraph 5 line1). If the first ballot results in a tie, a second ballot has to be carried out in the form of a run-off. In case this second ballot leads to tie as well, the decision will be taken by the drawing of lots.

(7) The Vice Chairperson of the Board is to be elected from among the candidates who have not been elected Chairperson. The person who wins a simple majority of the cast votes becomes Vice Chairperson of the UAS Board. If the first ballot does not lead to a decision, a second ballot has to be carried out. In case the second ballot does not lead to a result either, the election is to be decided by lot.

(8) The remaining candidate is then available as a substitute member.

(9) In principle, the elected persons are obliged to accept the position. However, if the elected person claims that she/he has personal reasons which make it seem unreasonable to accept the offered position, the UAS Board will consider the candidate's reasons and then come to a decision.

(10) The election can be carried out only if at least two thirds of the Board's voting members are present at the election. If this quorum is not fulfilled, the election committee immediately has to set a new date to carry out the election.

(11) The shortlist of three or two persons is put to the vote under the leadership of the oldest attending Board member in terms of age. The leader of the election committee has the right to vote as well.

(12) Persons other than those entitled to vote are not allowed to attend debates regarding the election or the Board meeting of the election itself.

(13) Board members who run as candidates in the election must not be present in debates concerning the election.

(14) In the election process, every voter receives a ballot, casts her/his vote in secret in the election booth and then places the paper in the ballot box.

(15) The ballot must include the title "Election of the Chairperson of the UAS Board" for the election of the Chairperson, and "Election for the Vice Chairperson of the UAS Board" for the election of the Vice Chairperson as well as a list of the names of the 3 or 2 candidates in alphabetical order. The field which needs to be marked with a cross must be placed in front of the respective name.

(16) Electronic and postal votes are inadmissible.

(17) In case the Chairperson or the Vice Chairperson of the UAS Board resigns prematurely, a substitute moves up a rank to take over this position for the remainder of the Vice Chairperson's term of office. The ranking is based on the number of votes won in the election of the Vice Chairperson of the Board. If no substitute is available, the members have to take a vote. In case the position of substitute is vacant, the Provider has to propose a shortlist no later than one week before the next meeting of the UAS Board. In the following meeting, the Board carries out a vote according to the principles laid down in these electoral regulations.

#### **5.2.4. Appeal against the Election**

**Sec. 44.** (1) Every person with active voting right can challenge the election of the Chairperson of the UAS Board in the course of the Board meeting during which the result is announced. A committee set up by the election body decides whether the appeal against the election is admissible.

(2) If the appeal is permitted, the election body can either correct the election result (in case the votes were counted incorrectly) or declare the vote invalid to the extent required and arrange for new elections. The new elections have to be carried out immediately and in accordance with these electoral regulations.

### 5.3. UAS Board Rules of Procedure

#### 5.3.1. Participation in Meetings, Non-Attendance and Transferral of Voting Rights

**Sec. 45.** (1) Members of the UAS Board have the right and obligation to participate in the Board's decision-making processes and meetings. In exercising this function, they are not bound by any instructions or orders.

(2) In the event that members of the Board cannot attend a meeting, the Chairperson has to be informed about this in writing before the beginning of the meeting, if possible.

(3) The non-attending member can transfer her/his vote to another elected member of the same group of persons by issuing a written transferral; the transferral of the vote is to be attached to the minutes of the meeting. The substituting member has one vote each for herself/himself and for the non-attending member she/he represents. Every member of the UAS Board can have only one additional transferred vote.

(4) The transferral of votes is not possible in the following cases:

1. Sovereign decisions (e.g. the awarding of academic degrees, nostrifications)
2. Election of the Chairperson and Vice Chairperson of the Board
3. Election of UAS professors and honorary professors

#### 5.3.2. Respondents and/or Experts

**Sec. 46.** (1) The UAS Board has the option to invite respondents and/or experts to participate in consultations regarding certain individual topics. These persons are not entitled to file a motion or vote.

(2) The Chairperson of the Board may invite respondents and/or experts to meetings at any time. Furthermore, every Board member has the right to request the Chairperson to invite a respondent and/or expert after the provisional agenda has been sent, or with the announcement of an agenda item.

#### 5.3.3. Convening of Meetings

**Sec. 47.** (1) The Chairperson convenes three meetings of the Board per semester.

(2) The invitation to a meeting is sent to all members by e-mail (UAS e-mail address) at least two weeks prior to the intended date.

(3) The invitation to a regular meeting has to be sent at least two weeks prior to the intended date and has to contain a proposal concerning the agenda.

(4) In case at least one fourth of the members – or all members of a certain group of persons represented in the Board – file a request based on Section 16 (1) line 2 to 4, the Chairperson has to convene a meeting immediately at the earliest possible date. This request has to be addressed to the Chairperson of the Board in writing and must contain a proposal concerning the agenda.

(5) If the period referred to in the first paragraph is not complied with, or in case a meeting of the Board is convened orally or in writing, the convening procedure is still considered proper if all Board members follow the invitation or have demonstrably declared their consent to the meeting.

(6) In general, the meetings take place at one of the locations of the St. Pölten UAS.

#### 5.3.4. Agenda

**Sec. 48.** (1) The Chairperson draws up the agenda of the meetings. When a meeting is convened, the members are informed about the agenda in writing (via teamwork) at least two weeks before the meeting takes place.

(2) Every member of the Board can demand to have certain items chosen by her/him to be added to the agenda. The desired item has to be announced to the Chairperson in writing (by e-mail) at least four days before the meeting.

(3) Agenda items which the Chairperson has not made known to the members at least two days prior to the meeting may still be discussed in case the members take an according decision.

(4) Every meeting begins with the agenda item "Determining the existence of a quorum". In regular meetings, this is followed by "approval of the agenda" and "confirmation of the minutes of the previous meeting".

#### 5.3.5. Decisions

##### 5.3.5.1. Types of Resolutions

**Sec. 49.** The UAS Board takes the following types of decisions which have to be identified as such in the agenda and the minutes:

1. Sovereign decisions for Board matters (in accordance with Art. 10 (3) line 9 and 11 FHStG)
2. Independent decisions within the Board's autonomous field of action (pursuant to Art. 10 (3) line 7 to 8 FHStG)
3. Proposals/requests to the Provider (in accordance with Art. 10 (3) line 2,5,6 FHStG)
4. Decisions which have to be taken in agreement with the Provider (in compliance with Art. 10 (3) line 1,3,4,10 FHStG)

##### 5.3.5.2. Attendance Quorum for Decisions – Majority Requirements

**Sec. 50.** (1) A decision can be taken only if at least half of the voting members attend the meeting, and if the Chairperson or the Vice Chairperson as well as at least one person each representing the Academic Directors, the students, and the teaching and research staff are present.

(2) This quorum has to exist at the time the decision is taken, i.e. when the vote is carried out.

1. The determination of the existence of a quorum is based on the total number of voting Board members attending the meeting.
2. Members who have transferred their vote are not considered to be present.
3. In case it is not possible to reach a decision concerning an item of the agenda because one group of persons is not present, the decision can be postponed to the next meeting of the Board. At this later date, attendance from all groups of persons is not required, however, a 2/3 majority<sup>2</sup> is necessary to reach a decision.

(3) When it comes to sovereign decisions, the transferral of votes is not possible.

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<sup>2</sup> In absolute terms: refers to all members and not just all persons who are currently present. Transferred votes count as well.

(4) A decision is adopted if more than half of the votes are cast in its favour. Abstentions from voting are admissible and are considered neither votes in favour nor votes against the subject at hand.

(5) In case of a tie, the Chairperson has the casting vote.

(6) The Chairperson determines the order in which the requests filed on a certain topic are to be decided. A request to postpone an item always has to be put to the vote first.

(7) When it comes to voting, general requests are decided before requests of a more special nature, and broadly formulated requests take precedence over more narrowly defined ones. Countermotions come before the main request, and additional requests follow the main request.

(8) It is not permitted to vote on matters which are not part of the agenda. Unless otherwise agreed, the members vote by show of hands. Votes on the procedure of the meeting can be taken at any time. The Chairperson reads out every request before it is put to the vote.

(9) The result of the vote is to be determined by the Chairperson. In case a Board member does not approve of the result of a vote, however, she/he can demand that her/his objection be included in the minutes word for word. This objection can also be given to the secretary in writing within three days after its announcement at the meeting. The secretary then includes it in the minutes. Likewise, every Board member can demand that utterances, statements or memoranda concerning a certain agenda item be included in the minutes or attached to the respective item in the written copy if there is one.

### 5.3.5.3. Circular Resolution

**Sec. 51.** (1) In urgent cases, the Chairperson of the Board may call votes using indirect channels (electronic, i.e. by e-mail and through teamwork) with the necessary quorums. Every member not excused by e-mail absence notice is considered to be in attendance. Board members who have successfully applied for vacation/compensatory time off or reported ill are not considered to be present. In case there is no response from a member, abstention from voting is assumed. Members need to respond to a circular resolution within five work days (Mon-Fri).

(2) When it comes to circular resolutions concerning the awarding of academic degrees and nostrifications, the response period is three days.

(3) The result of the vote is reported by the Chairperson at the following meeting and recorded in the minutes as well.

### 5.3.6. Board Meeting Procedure – Reporting and Disclosure

**Sec. 52.** (1) Neither the meetings nor the working committees of the UAS Board are public.

(2) The Chairperson or the Vice Chairperson leads, opens and closes the meeting.

(3) Following any changes to the agenda and their approval, the Chairperson goes on to inform the Board about

1. any relevant business cases which have occurred since the last meeting as well as every business the Chairperson has dealt with independently,
2. the enforcement of the Board's decisions,
3. the settlement of urgent matters,
4. the result of votes by circular resolution.

(4) In dealing with the individual agenda items, the Chairperson of the Board first gives the floor to the Board member upon whose request the respective item was included in the agenda; subsequently, it is the Chairperson's responsibility to open the dialogue. After the end of the debate, the Board votes on the motions put forward concerning the agenda item.

(5) Every member of the Board has the right to speak out on the individual agenda items and to comment on the respective item once the Chairperson has given her/him the floor. She/he may be interrupted only by the Chairperson and for justified reasons.

(6) The Chairperson of the Board gives the floor to the members in the order of the requests to speak; in case of several requests, the Chairperson creates a list of speakers. If the item is a debate about a proposal, the person upon whose request the item was included in the agenda has to right to say the closing words.

(7) The Chairperson has to make sure that the agenda is dealt with in a quick, orderly and adequate manner. In particular, she/he has to avoid debates that stray from the topic at hand.

(8) In case a motion to close the list of speakers is adopted, further request to speak are inadmissible; only Board members who made their request prior to the motion get the opportunity to speak. Upon request, the Chairperson of the Board, the secretary, or the person who made the request have the right to reply or make a closing statement. The vote concerning a motion to close the list of speakers has to be taken without delay, but without interrupting the current speaker. Prior to this vote, the list of speakers has to be read out aloud.

### **5.3.7. Conflicts of Interest and Incompatibility of Members**

**Sec. 53.** (1) The members of the UAS Board are impartial in their decisions - free and independent from personal affections for and aversions to persons and organisations, and in compliance with the regulations of Art. 7 AVG (General Administrative Procedures Act) as amended.

(2) When it comes to matters concerning a member's personal circumstances or that of a close relative, this Board member is considered to be biased, which means that she/he cannot participate in the vote. Unless otherwise decided, the biased member has to leave the meeting room for the duration of the discussion and vote on this matter.

### **5.3.8. Secret Ballot**

**Sec. 54.** The vote has to be secret if a member requests it and the Board decides to grant this request.

### **5.3.9. Minutes of the Meeting**

**Sec. 55.** (1) The secretary keeps minutes of every Board meeting. The minutes have to include the following:

1. The date and time of the beginning and the end of the meeting
2. The name of the person chairing the meeting as well as the names of all attending members
3. The names of all excused members and transferrals of votes
4. The final agenda
5. The word-for-word records of all requests
6. The literal wording of all decisions; decisions which are subject to the approval of the Provider are marked as "conditional"
7. The result of votes and elections in figures
8. Special orders of the Chairperson of the Board (e.g. cutting a speaker off)
9. The notifications issued to inform the members of the Board

(2) The secretary has to send the minutes of the meeting to the members of the Board in writing or by e-mail no later than two weeks after the meeting. The period for expressing objections is two weeks after receipt of the minutes; in individual cases, the Board may determine a different time period. After the end of the objection period, the final minutes are sent to the members of the UAS Board once again. The official minutes

are published after the end of the objection period and electronically sent to the Provider. In the event that the next meeting takes place before the end of the formal objection period, the latter ends once the agenda item "minutes" is addressed at the following meeting. If the Board and the Provider already reach an agreement concerning decisions which are subject to the Provider's approval immediately after the Board meeting, this has to be recorded in the minutes of the meeting.

(3) The members of the Board may point out inaccuracies or flaws in the minutes but are not allowed to make any changes on their own. Objected items of the minutes are addressed at the following meeting.

(4) The minutes are signed by the person chairing the meeting as well as the secretary.

(5) The secretary has to keep the original copies of the minutes and other records and hand them over to her/his successor in this function.

(6) Only members of the Board have the right to be informed about the full content of the minutes. The official minutes of the Board are published internally on the Intranet (teamwork) and via the CIS of the St. Pölten UAS after the objection period has expired. The public minutes must not contain any personal data. In addition, the Board may decide that individual agenda items are to be kept confidential.

(7) Unless otherwise specified in the decisions themselves, they come into force on the day after the Board meeting. Decisions which are subject to the approval of the Provider are issued in writing and come into effect once the Chairperson of the Board and the Executive Directors have signed them, unless otherwise specified in the decisions themselves.

(8) Every member of the Board has the right to demand that certain individual statements be recorded word for word.

### **5.3.10. Enforcement of Decisions and Correspondence**

**Sec. 56.** (1) The Chairperson of the Board is responsible for the enforcement of the Board's decisions – provided that they are within her/his scope of action – and she/he forwards the decisions, proposals and recommendations of the Board to the competent authorities. The Chairperson reports back to the Board in this regard at the next meeting.

(2) In the case of legal concerns, the Chairperson of the Board has the right to refrain from enforcing a decision but is obliged to clarify the legal circumstances and to report on the matter at the next meeting.

(3) The students have to be informed on all decisions and notifications relating to study programmes as soon as they come into effect.

### **5.3.11. Working Committees and Appeals Commission**

**Sec. 57.** (1) In order to handle the tasks of the Board formulated in Art. 10 (3) FHStG as well as additional subject areas identified as relevant for the St. Pölten UAS by the Board in agreement with the Provider, the Board sets up working committees pursuant to Art. 10 (3) line 10 FHStG.

(2) In the respective subject areas, working committees promote the exchange of information and experience between the Board, the departments and the UAS service units. They integrate a wider circle of people into pending questions and discussions, thus making important contributions to quality assurance in teaching and research as well as to the further development of the St. Pölten UAS.

(3) The working committees address subject-specific questions and problems introduced by committee members, supervisors, members of the Board, or members of the Management Board of the St. Pölten UAS, and make statements in this regard. The working committees carry out research, analyses and discussions regarding their respective subject areas and come up with proposals for their further development.



(4) In their respective subject areas, the working committees prepare comprehensible grounds for upcoming Board decisions and issue recommendations for decision-making on the basis of votes. The Board is to take a decision regarding the recommendation at the Board meeting following the meeting of the committee. In case the Board does not adhere to the recommendation of a working committee, the minutes of the meeting have to include a comprehensible explanation. Furthermore, the Board is to decide in such cases whether the working committee should deal with the matter once again – with special consideration for objections raised by the Board – and, if applicable, submit it to the Board for decision-making a second time.

(5) A distinction is made between permanent and temporary working committees. The permanent working committees have to be set up as early as possible at the beginning of the Board's term of office following the election of the Chairperson.

(6) The Chairperson or the Vice Chairperson of the Board takes over the leadership of these permanent working committees.

(7) The term of office of the permanent working committees ends with the term of office of the UAS Board.

(8) The following permanent committees are set up:

1. Committee for Programme Development
2. Committee for Personnel Matters in Teaching and Research
3. Committee for Quality Development in Teaching
4. Committee for Internationalisation in Teaching and Research

(9) The working programmes of the permanent committees are determined in coordination with the Board and updated regularly.

(10) Temporary working committees can be set up to address subject areas which are not dealt with by the permanent working committees. The subject areas which are to be dealt with by the temporary working committees have to be defined and decided by the Board.

(11) When it comes to the composition of a working committee, the latter's chairperson draws up a proposal. If possible, the following points should be observed in this context:

1. At least one representative from every department on a proposal of the Heads of Department
2. Two members of the Board who can be identical to the representatives of the departments
3. At least one student representative
4. If possible, at least 45 % female committee members
5. Participation of staff members from the UAS service units in case these share in the responsibility for the subject areas the committee deals with
6. The term of office of a temporary working committee starts on the day the Board decides to form such a committee and ends either on the day determined in the course of the committee's establishment, or prematurely by decision of the Board, or with the end of the Board's term of office.

(12) The composition of the working committees in terms of members is to be decided by the Board. In the event that individual committee members cannot attend a meeting or resign completely, the chairperson of the working committee has the right to nominate a substitute with comparable areas of competence and function. The Board is to be informed about this at the next meeting.

(13) Every Board member may propose changes and additions regarding the personnel composition of committees at any time. The consideration of such suggestions requires a corresponding decision of the Board.

(14) Other persons (full-time and part-time staff members of the St. Pölten UAS or external persons with special technical expertise) may attend committee meetings or certain individual agenda items in an advisory capacity if they are proposed (by informal written application) by a member of the working committee or of the Board to the chairperson of the working committee and invited by the latter no later than two weeks prior to the meeting date.

(15) If individual members of a working committee are biased when it comes to certain topics or agenda items due to their functions or for personal reasons, they may nevertheless serve as respondents but have to abstain from participating in the discussions and especially from voting. In case of doubt, the chairperson of the working committee decides whether a conflict of interest exists or not. The chairperson of the committee also has the option to nominate a substitute for single meetings or agenda items based on the professional or personal partiality of individual committee members.

(16) Every meeting of the permanent working committees is planned at least one semester in advance and brought to the attention of all Board members and all members of the respective committee no later than at the beginning of the semester. When it comes to the meeting dates of the temporary working committees, all members of the relevant committee and the members of the Board are informed in a timely manner. Minutes are taken of all meetings of the working committees. The minutes are made available at least to the members of the Board, the members of the Management Board, and the supervisors of the St. Pölten UAS. The subject areas dealt with in the working councils are brought up at the meetings of the Board at regular intervals as well, even if no decisions are coming up and thus no recommendations have been made.

(17) The provisions of these Rules of Procedure also apply *mutatis mutandis* to the management of the business within the working councils.

(18) In order to resolve concrete questions or to prepare a decision-making basis for upcoming Board decisions, the Chairperson of the Board may – by mutual agreement with the Vice Chairperson – convene and lead commissions. When it comes to the composition of such commissions, it must be ensured that the members have demonstrable expertise with regard to the question that needs to be solved and the decision-making grounds that are to be prepared. Furthermore, it is necessary to make sure that the composition of the commission is balanced, particularly with regard to different opinions of experts, the representatives of the departments, gender and diversity, and the groups of persons represented in the UAS Board. In addition, the Board has the right to decide guidelines and recommendations which the Chairperson of the Board has to take into account when convening a commission. The Chairperson or Vice Chairperson of the Board becomes the chair of a commission. Apart from the chair, the commission has to include at least two more members of the UAS Board. Other persons (full-time or part-time staff members of the St. Pölten UAS or external persons with special technical expertise) may be appointed members of the commission based on their relevant expertise and in order to achieve a balanced personnel composition.

(19) If possible, the discussions of such commissions are to be limited to one meeting. If a commission needs to hold more than one meeting on any given topic, it has to obtain the consent of the Board first. If a commission wishes to make a recommendation to the Board, it has to do so on the basis of a vote. Minutes have to be taken of all meetings of commissions. The minutes have to include at least the recommendations with a sufficient and comprehensible explanation and the results of the vote.

(20) When it comes to recommendations concerning the appointment and dismissal of teaching and research staff, the Board has the option to set up a hearing commission in accordance with Section 10 (3) line 6. In any case, a hearing commission has to be set up for the appointment of UAS lecturers, researchers and senior researchers. When setting up the hearing commission, the Chairperson of the Board has to take into account the provisions of the career model and the recruiting process of the St. Pölten UAS as well as decisions of the UAS Board concerning the appointment and dismissal of teaching and research staff pursuant to Art. 10 (3) line 6.

(21) The Board can also establish an appeals commission according to Art. 10 (3) line 11 FHStG to process any complaints against decisions of the Academic Directors.

(22) The appeals commission is made up of one Academic Director from a department not affected by the complaint, one member from among the teaching and research staff of a non-affected department, two students, and the Chairperson of the Board. It is convened by the latter. The appeals commission has to be convened within one week after the complaint has been filed. The documents necessary to process the complaint have to be brought to the attention of the members of the appeals commission at the latter's first



meeting. If the appeals commission cannot reach a result based on the viewing of the documents at the first meeting, it summons a second meeting to which the involved persons have to be invited as well. A complaint may be either granted or rejected, or a mediation procedure may be proposed. The appeals commission is to formulate a recommendation to the UAS Board which the latter is to confirm by (circular) resolution. The provisions relating to quorum requirements pursuant to Art. 8 (2,3) apply to votes of the appeals commission as well.

(23) All other process-relevant provisions are to be applied in line with the UAS Board Rules of Procedure.

(24) The provisions of these Rules of Procedure also apply mutatis mutandis to the conducting of business within the committees and commissions.

### **5.3.12. Confidentiality and Non-Disclosure**

**Sec. 58.** All procedures within the UAS Board are to be treated confidentially, with the exception of the public minutes.