

Statute of the St. Pölten UAS

Part 02 – Study Law Nostrification

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I. Nostrification

1.1. General Information

§ 1. (1) In the sense of this Statute, nostrification means the recognition of a foreign academic degree as a domestic degree of regular study (academic recognition).

(2) Nostrification does not mean

1. full recognition in the sense of immediately applicable international agreements (hereinafter referred to as "recognition in the sense of agreements") as well as
2. professional recognition on the basis of a legislative act of the European Union, particularly in the sense of Directive 2005/35/EG on the recognition of professional qualifications ("EEA recognition").

(3) Unless provided otherwise by law, the General Administrative Procedures Act of 1991 (AVG) is to be applied to the nostrification process.

1.2. Application for Nostrification

§ 2. (1) If the study programme in question is offered at the FHSTP, the Chairperson of the UAS Board decides about applications for nostrification of an academic degree acquired at a foreign recognised post-secondary educational institution.

(2) A foreign recognised post-secondary educational institution is an educational institution which

1. carries out study programmes with a duration of at least six semesters,
2. requires a general university entrance qualification in accordance with § 64 University Law 2002 – UG (Federal Law Gazette I no. 120/2002) as the basis of admission, and
3. is recognised as a post-secondary educational institution based on the legal provisions of the country where it is located.

(3) Unless a shorter period for recognition procedures is defined in federal laws governing the recognition of foreign educational certificates or professional qualifications, applications are to be processed within three months after receipt of the complete documents (by way of derogation from § 73 AVG).

(4) In case the Chairperson of the UAS Board receives applications which do not fall within their competence (particularly applications for recognition in the sense of agreements, or applications for EEA recognition), the Chairperson of the Board is to pass on these applications on to the responsible body without unnecessary delay at the applicant's risk, or to refer the applicant to this body.

(5) The application for nostrification of an academic degree acquired at a foreign recognised post-secondary educational institution requires proof that the nostrification is absolutely necessary

1. for a professional activity, or
2. for the continuation of the applicant's education in Austria.

(6) The applicant has to provide proof of this absolute necessity to the Chairperson of the UAS Board.

(7) A nostrification is definitely necessary if the applicant

1. wishes to engage in a professional activity whose admission or execution is – on the basis of laws and administrative provisions [particularly the federal law on the regulation of higher

medical-technical services (MTD Act, GuKG as amended), child and youth welfare of the federal states] – directly or indirectly dependent on an academic degree (regulated profession) and a recognition in the sense of agreements or an EEA recognition is not possible, or

2. the applicant wishes to be admitted to a post-graduate education (e.g., admission to the preparatory course in psychotherapy in accordance with Psychotherapy Law as amended).

(8) A nostrification is not absolutely necessary especially if

1. the foreign academic degree of the applicant may be recognised on the grounds of directly applicable international agreements,
2. if the applicant wishes to be admitted to a regulated profession and EEA recognition is possible (particularly in the sense of Directive 2005/35/EG on the recognition of professional qualifications),
3. if the applicant only strives for a potentially better salary level, or
4. if the applicant's only motive for the desired nostrification is the use of the Austrian academic degree.

(9) The application for nostrification is to be filed with the Chairperson of the UAS Board in writing. In the application, the applicant has to indicate the Austrian study programme comparable to the completed foreign one as well as the desired Austrian academic degree. The Chairperson of the UAS Board has made an application form available on the website of the FHSTP.

(10) Along with the application itself, applicants have to present

1. the passport,
2. the following documents as originals as well as notarially certified copies:
 - a. The graduation certificate for the foreign study programme which is to be the object of the nostrification – in the original language and, if necessary, including a diplomatic certification unless international agreements provide for exemption
 - b. An authorised German translation of the graduation certificate for the foreign study programme which is to be the object of the nostrification – if necessary, including a diplomatic certification unless international agreements provide for exemption
 - c. The certificate of general university entrance qualification (§ 64 UG 2002) – in the original language and, if necessary, including a diplomatic certification unless international agreements provide for exemption
 - d. An authorised German translation of the certificate of general university entrance qualification (§ 64 UG 2002) – if necessary, including a diplomatic certification unless international agreements provide for exemption
3. In addition, applicants have to present photocopies of the following documents:
 - a. All documents (such as curriculum, course book, study guide, exam certificates, scientific and/or practical works, certificates of completion, etc.) regarding the study programme completed at the foreign recognised post-secondary educational institution, in the original language and as an authorised German translation
 - b. Proof in German of sufficient German-language skills at least at level B2 (Common European Framework of Reference for Languages, CEFR)

- c. A German curriculum vitae in table form
 - d. The final paper (master, diploma, or bachelor thesis) in the original language
 - e. An abstract of the final paper (master, diploma, or bachelor thesis) in German
4. Optionally, the applicant can submit a photocopy of
- a. Proof of the foreign educational institution's status as a recognised foreign post-secondary educational institution (e.g., www.anabin.de, ENIC NARIC Austria at www.aais.at, etc.).
- (11) The certificates of general university entrance qualification and graduation from the foreign degree programme are to be presented to the Chairperson of the UAS Board in the form of a certified copy – other certificates and documents as photocopies. The original copy of the certificate of graduation from the foreign degree programme (diploma) is to be presented as well. Upon request of the Chairperson of the UAS Board, all documents have to be presented as originals.
- (12) The graduation certificate for the foreign study programme and the certificate of general university entrance qualification have to include a diplomatic certification unless international agreements provide for a relevant exemption.
- (13) When it comes to foreign-language documents, the applicant is to submit authorised German translations produced by a certified translator.
- (14) The applicant is obliged to present all necessary documents and provide all relevant information in this regard, thus actively participating in the nostrification process. In case the applicant fails to comply with this obligation to cooperate and the settling of the matter is thus hampered considerably, the responsible authority may process the application without further investigations. § 13 (3) AVG remains unaffected.
- (15) Shortcomings in written applications do not authorise the Chairperson of the UAS Board to reject applications pursuant to § 13 (3) AVG. On the contrary, it is the Chairperson of the UAS Board's responsibility to make sure that these are remedied immediately and they may instruct the applicant to fix the deficiency within an appropriate period – with the effect that the application is rejected if the period expires without results.
- (16) The Chairperson of the UAS Board has the right to waive the obligation to present certain individual documents if the applicant can prove that they are unable to submit these documents within a reasonable time or only with great difficulty, and the other submitted documents are sufficient to make a decision. It has to be possible to derive the necessary basis for a decision from the overall context of the other documents. The decision must not be based exclusively on mere allegations of the applicant.
- (17) Pursuant to § 6 (7) FHG, it is not admissible to file the same nostrification with other Boards either simultaneously or after withdrawal of the initial application. The application for nostrification is to be rejected as inadmissible especially if another nostrification procedure at another Austrian post-secondary educational institution is pending which affects the recognition of the same foreign degree as equivalent with a comparable Austrian study programme, or such an application for nostrification has already been withdrawn. If another Board has already taken a negative decision regarding an application by the same applicant, another application is not admissible.

1.3. Preliminary Procedure and Assessment of Equivalence

§ 3. (1) The Chairperson of the UAS Board is to verify whether the structure of the foreign degree programme completed by the applicant is in line with the necessary

1. requirements (classification of level: bachelor degree, master degree, diploma or doctoral programme),
2. the overall scope (ECTS credits), and
3. the study content

so that it may be deemed equivalent with the Austrian university of applied sciences degree programme referred to in the application.

- (2) When it comes to the assessment of equivalence between the foreign degree programme and the Austrian degree programme, special consideration is to be given to the applicant's capacity to be as well prepared for activities in science or art as a graduate of the corresponding Austrian degree programme.
- (3) In case it becomes necessary that evidence is accepted by expert witnesses, the Academic Director of the concerned degree programme is to be called in.
- (4) A sample test is admissible evidence in order to gain more detailed knowledge regarding the foreign degree programme. Such a test does not qualify as an examination, which is why the provisions with regard to examinations (FHG, examination regulations) do not apply. Rather, it is a measure within the framework of the investigation procedure (hearing of involved parties pursuant to § 51 AVG) which may also be carried out by consultation of experts (Academic Directors). In this context, the applicant may be asked to provide information about study content that they dealt with abroad or about literature used. Furthermore, exemplary inquiries regarding important fields of the acquired knowledge may be carried out in case the body of evidence leaves room for doubt otherwise.
- (5) The concrete examination results of the completed foreign degree programme are not relevant for the assessment of equivalence. Any subjects that are not proven by the corresponding evidence are not to be included in the assessment of equivalence.
- (6) The applicant has to be given the opportunity to access the result of the taking of evidence and to give a statement (hearing of involved parties).
- (7) In case the fundamental possibility of nostrification cannot be ascertained within the framework of the investigation proceedings, the application is to be rejected after carrying out the hearing of the parties. In this case, the applicant has to be informed that they may apply for admission to the respective degree programme as a degree programme student and, if applicable after completing an admission procedure (§ 11 FHG), the recognition of the proven knowledge (§ 12 FHG).
- (8) If equivalence is basically ensured and full equivalence requires only a few individual supplements, the applicant has the right to take these additional examinations (to be announced by decision of the Chairperson of the UAS Board) at the FHSTP as a continuing education student. If the applicant would have to completed an obviously disproportionate number of additional examinations in order to meet the total requirements of the Austrian degree programme, a nostrification is out of the question and the application is to be rejected¹. A ratio of 25% of the overall scope of performances demanded in the curriculum has been defined as a quantitative guideline for individual supplements.

¹ Decision of Administrative Court from 29/11/1993, 90/12/0106; Hauser, Kommentar zum Fachhochschul-Studiengesetz, 7th edition, 2014, page 104, figure 37.

- (9) The notification, in which the Chairperson of the UAS Board informs the applicant about the courses and examinations that they have to complete in order to achieve full equivalence, has to stipulate an appropriate period for the completion of the announced courses and exams. Unless the applicant presents evidence of having completed the required courses and exams within the prescribed period, the notification becomes void. An extension of the period is possible on the basis of a justified request, especially for reasons such as pregnancy, illness and military or civilian service.
- (10) The completion of the prescribed courses and exams is based on an educational contract under private law between the applicant (continuing education student) and the Provider of the FHSTP.
- (11) The applicant has to pay a tuition fee for the time period required for the completion of the prescribed courses and exams.
- (12) The Austrian Students' Union (ÖH) is obliged to collect a fee from all of its ordinary members (both degree programme students and continuing education students)². The tuition fee and the student union fee are collected together.

1.4. Acknowledgement of Nostrification

§ 4. (1) The Chairperson of the UAS Board has to declare the nostrification by issuing a written notification which has legal effect.

- (2) The written notification has to indicate the Austrian degree programme that the foreign degree programme equates to as well as the Austrian academic degree that the applicant may now - on the basis of the nostrification – use instead of the foreign academic degree.
- (3) If applicable, the notification of nostrification has to include a professional title in accordance with the relevant applicable professional laws (especially the MTD Act and GuKG).
- (4) The nostrification is to be made note of on the original certificate which was submitted as evidence of completion of the foreign degree programme. This notice is not an order and has to include the following specifications:
1. The decision-making body (UAS Board)
 2. The date of the decision
 3. The name of the applicant
 4. The Austrian degree programme
 5. The Austrian academic degree
 6. The signature of the decision-making body complete with stamp

1.5. Revocation of Nostrification

§ 5. The nostrification is to be withdrawn by notification if it was obtained by fraud (especially through forged certificates).

1.6. Nostrification Fee

§ 6. (1) For the nostrification of a foreign academic degree, applicants have to pay a tax pursuant to the university law in advance. This amount is invoiced via payment order.

² See § 1, 2 HSG 2014.

- (2) The notification fee does not have to be paid if the application for notification is rejected or withdrawn.

1.7. Appeal

§ 7. (1) It is admissible to file a complaint against decisions of the Chairperson of the UAS Board with the Federal Administrative Court. Complaints have to be filed within four weeks from the day of receipt of the notification on the part of the applicant.

- (2) The complaint has to include the following:

1. The designation of the contested notification
2. The designation of the authority the complaint is filed against
3. The grounds that the assertion of unlawfulness is based on
4. The object of the complaint
5. The information required in order to assess whether the complaint was filed in due time

- (3) Information and attachments to the Federal Administrative Court (complaints, requests for reinstatement or resumption, or separate requests for exclusion or approval of the suspensive effects, requests for submission) are subject to the payment of a fee in accordance with the decree of the Federal Minister of Finance pertaining to the fee for filings with the Federal Administrative Court as well as the state administrative courts (BuLVwG-Eingabengebührverordnung – BuLVwG-EGebV), unless legal regulations provide for a waiver of fees.

- (4) Further details are regulated in the federal law on the proceedings of the administrative courts (Verwaltungsgerichtsverfahrensgesetz – VwGVG).

II. EEA Recognition

§ 8. (1) Upon application, the Federal Minister for Education has to recognise qualification certificates in higher medical-technical services or in higher healthcare and nursing issued by a contracting state of the Agreement on the European Economic Area (EEA member state) or the Swiss Confederation as proof of qualification in the respective higher medical-technical service (§ 6b MTD Act as amended, § 28a GuKG as amended).

- (2) Further details, particularly with regard to

1. the application
2. any compensatory measures that may have to be completed (adaptation training, aptitude test)
3. and the corresponding tasks of the UAS Board,

are provided for in the relevant provisions of professional law (§ 6b ff MTD Act as amended, § 28a ff GuKG as amended).