

Statute of the St. Pölten UAS

Part 01 – Organisation

Rules of Procedure of the UAS Board

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I. Scope of Application

§ 1. (1) The Rules of Procedure are an integral component of the Statute of the St. Pölten University of Applied Sciences (FHSTP) and shall be adopted by mutual agreement of the UAS Board and the Provider (see § 10 FHG¹).

(2) The Statute applies to all study programmes and continuing education programmes of the FHSTP accredited in Austria and forms the basis for the educational relationship between the students and the Provider (FHSTP).

II. UAS Board and Chairperson of the Board

2.1. UAS Board

2.1.1. Tasks of the UAS Board

§ 2. For the implementation and organisation of teaching and examination operations, the St. Pölten UAS has established a Board pursuant to § 10 (1) FHG, which fulfils its tasks autonomously based on the principle of freedom of science and teaching (§ 17 Staatsgrundgesetz, Federal Constitutional Law).

§ 3. (1) Pursuant to § 10 (3) FHG, the UAS Board is responsible for the following tasks:

1. Election of the Chairperson of the UAS Board and her/his Vice Chairperson based on a shortlist of three candidates created by the Provider.
2. Filing of applications to the Provider for the dismissal of the (Vice) Chairperson, or statement regarding such an intention on the part of the Provider, in case that these officials have grossly violated or neglected their duties or are no longer able to fulfil their tasks.
3. Changes concerning accredited study programmes in agreement with the Provider.
4. Establishment and discontinuation of study programmes and further education programmes in agreement with the Provider.
5. Filing of applications to the Provider concerning the budget (investment, material and personnel expenses).
6. Strategic further development of teaching, applied research and internationalisation for the assurance of competence- and future-oriented studies at a higher education level in agreement with the Provider.
7. Coordination of the entire teaching operations in terms of content.
8. Assurance of quality in teaching and research as well as evaluation of the entire teaching activities including the examination regulations and curricula.
9. Awarding of academic honours customary in the university landscape in agreement with the Provider.
10. Issue of Rules of Procedure and a Statute in agreement with the Provider; the Statute has to include: the study and examination regulations, the elections regulations for the UAS Board, the establishment of any working committees and their respective statutes, provisions concerning the Board's attendance quora, an equality plan, provisions regarding the establishment and discontinuation of study programmes and continuing education

¹ University of Applied Sciences Act, orig. version Federal Law Gazette 340/1993 as amended in Federal Law Gazette I 177/2021

programmes, and guidelines for the correct use of designations in the university landscape, the awarding of academic honours, and the safeguarding of integrity in scientific and artistic study, teaching, and research operations as well as good scientific or artistic practice in all of its performance areas. The Statute is to be published in a suitable form.

11. Decisions regarding complaints against decisions of Academic Directors.

2.1.2. Members of the UAS Board

§ 4. According to § 10 (2) FHG, the Board consists of:

1. The **Chairperson of the Board** and a Vice Chairperson
2. Six Academic Directors of the 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 the 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 § 7 (2) FHG (**group of part-time teaching staff**)
4. Four student representatives of study programmes (**group of students**)

2.2. Chairperson of the UAS Board

2.2.1. Tasks of the Chairperson of the UAS Board

§ 5. (1) In accordance with § 10 (4) FHG, 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 in order to ensure the proper implementation of teaching operations as well as the high quality of practice-oriented education at the higher education level, as well as the issuing of technical instructions to the Academic Directors and the heads of academic organisational units.
2. Awarding of lectureships on the basis of proposals or after consultation of the UAS Board.
3. External representation of the UAS Board and the execution of the Board's decision.
4. Awarding of academic degrees and their revocation as well as the nostrification of foreign academic degrees.
5. Proposals for heads of academic organisational units to the Provider.
6. Proposals for teaching and research staff to the Provider.
7. Commissioning of and participation in the implementation of external quality assurance procedures in coordination with the Provider.

(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 Statutes 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.

III. Legal Protection against Sovereign Decisions

§ 6. Pursuant to § 10 (6) FHG, a complaint against a decision of the Chairperson of the Board to the Federal Administrative Court is admissible in the following cases (§ 10 (4) No. 4 FHG):

1. Awarding of academic degrees and their revocation
2. Nostrification of foreign academic degrees

IV. Rules of Procedure of the UAS Board

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

§ 7. (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. Election of the Chairperson and Vice Chairperson of the Board
 2. Vote on UAS professors and honorary professors

4.2. Respondents and/or Experts

§ 8. (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.

4.3. Convening of Meetings

§ 9. (1) The Chairperson convenes three meetings of the Board per semester.

- (2) The invitation to a meeting is sent to all members by email (UAS email 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) The Chairperson has to convene a meeting immediately at the earliest possible date if
 1. at least one fourth of the members or
 2. all representatives of a certain group of persons represented in the Board demand it.

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 item 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.

4.4. Agenda

§ 10. (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 email) 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".

4.5. Decisions

4.5.1. Types of Decisions

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

1. Independent decisions within the Board's autonomous field of action (pursuant to § 10 (3) No. 7, § 8 and § 11 FHG)
2. Proposals and requests to the Provider (in accordance with § 10 (3) No. 2, 5 FHG)
3. Decisions which have to be taken in agreement with the Provider (in compliance with § 10 (3) No. 1, 3, 4, 6, 9 and § 10 FHG)

4.5.2. Attendance Quorum for Decisions – Majority Requirements

§ 12. (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 two-thirds majority² is necessary to reach a decision.
- (3) 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.
- (4) In case of a tie, the Chairperson has the casting vote.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) 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.

4.5.3. Circular Resolution

§ 13. (1) In urgent cases, the Chairperson of the Board may call votes using indirect channels (electronic, i.e. by email and through teamwork) with the necessary quora. Every member not excused by email 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 In absolute terms: refers to all members and not just all persons who are currently present. Transferred votes count as well.

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

4.6. Board Meeting Procedure – Reporting and Disclosure

- § 14.** (1) Neither the meetings nor the working committees of the UAS Board are public.
- (2) The Chairperson or the Vice Chairperson heads, 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.

4.7. Partiality of Members and Incompatibility

- § 15.** (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 § 7 General Administrative Procedures Act (AVG, Federal Law Gazette no. 51/1991 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.

- (3) In the case that a member of the UAS Board is tasked with a special assignment by the Provider during the ongoing term of office (assumption of the positions of Head of Faculty, CISO, deputy Academic Director, Head of Institute, etc.), the affected member is to verify whether this new position is compatible with their function as a member of the UAS Board or not.

4.8. Secret Ballot

§ 16. The vote has to be secret if a member requests it and the Board decides to grant this request.

4.9. Minutes of the Meeting

§ 17. (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 email 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.

4.10. Enforcement of Decisions and Correspondence

- § 18.** (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.

4.11. Working Committees and Appeals Commission

- § 19.** (1) In order to handle the tasks of the Board formulated in Art. 10 (3) FHG 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 § 10 (3) No. 10 FHG.
- (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 or members of the Board, 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 working programmes of the permanent committees are determined in coordination with the Board and updated regularly.
- (9) 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.
- (10) 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.
- (11) 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.
- (12) 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.
- (13) 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.
- (14) 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.

- (15) 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 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.
- (16) The provisions of these Rules of Procedure also apply *mutatis mutandis* to the management of the business within the working councils.
- (17) 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.
- (18) 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.
- (19) When it comes to recommendations concerning the appointment and dismissal of teaching and research staff, the Chairperson of the Board has the option to set up a hearing commission. 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.
- (20) The Board can also establish an appeals commission according to § 10 (3) No. 11 FHG to process any complaints against decisions of the Academic Directors.
- (21) The appeals commission is made up of one Academic Director (if possible from a department not affected by the complaint), one member from among the teaching and research staff (if possible of a non-affected department), two student representatives (if possible from a non-affected

department), 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 apply to votes of the appeals commission as well.

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

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

4.12. Confidentiality and Non-Disclosure

§ 20. All procedures within the UAS Board are to be treated confidentially, with the exception of the public minutes.