

University of Applied Sciences Kufstein Tirol Bildungs GmbH

Statute of the University of Applied Sciences Kufstein, Tirol

In accordance with the University of Applied Sciences Act (FHStG) § 10 (3) (10)



Chapter 3

Electoral Rules for the Council of the University of Applied Sciences Kufstein

Agreed upon by the University Council of the University of Applied Sciences Kufstein, Tirol,
and the University Board on December 14, 2011,
effective as of December 14, 2011.

last amended by resolution on May 08, 2019.

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Electoral rules

for the election of the **candidates to the council** of the University of Applied Sciences, and
for the **election of the Chair and Vice Chair** of the Council of the University of Applied Sciences

Clause 1 Principles

The Council of the University of Applied Sciences must perform all tasks provided for in FHStG (s. 10(3)) and is composed of the following members of the FH Kufstein Tirol Bildungs GmbH:

- (1) 6 Course directors (CD cohort)
- (2) 6 Teaching and research staff representatives (TRS cohort)
- (3) 4 Students (Student Union cohort)
- (4) Chair and Vice Chair of the Council

These Electoral Rules govern the election of CD and TRS cohort, as well as the election of the Chairs and Vice Chair of the Council. For the representation of the students, the student union is responsible for the division of the offices and the posting to the Council of the University of Applied Sciences.

The election of the members of the Council is held every 4 years in May of the respective election year. The election takes place according to the principles of the universal, personal and free right to vote by secret ballot. The representatives are elected by majority vote.

Clause 2 Electoral bodies, composition and responsibilities

- (1) Electoral bodies include the Election Officer (hereinafter referred to as "the Election Office"), the Electoral Commission and an Arbitration Commission. The Election Office may not be a member of the Electoral Commission or the Arbitration Commission. The Election Officer and a Deputy Election Officer must be appointed by the Executive Board of the FH Kufstein Tirol Bildungs GmbH (hereinafter referred to as "FH"). The candidates may not be simultaneously a member of the Electoral Commission or the Arbitration Commission.
- (2) The Election Office is responsible for the proper preparation and organization of the elections. It is responsible for the ballot papers and the ballot box.
- (3) The Electoral Commission consists of 3 members. The election procedure and its compliance are the responsibility of the Electoral Commission. The Election Office is responsible for the constitution of the Electoral Commission, which consists of a member of the teaching and research staff, a student representative and another person from the administration. Members of the Electoral Commission representing teaching and research staff may not be listed as candidates. If members of the Electoral Commission are prevented from participating, an appropriate number of substitute members must be appointed. The Election Office will announce the composition of the Electoral Commission at the latest with the call for candidates in a generally and publicly accessible place on the premises of the FH.
- (4) The Election Office, the members and the substitute members of the Electoral Commission are obliged to perform their duties impartially and conscientiously.
- (5) The Electoral Commission adopts its resolutions by majority vote. It is not permitted to abstain from voting.
- (6) The Arbitration Commission consists of the President of the District Court of Kufstein (Chairman of the Arbitration Commission) and the Executive Board of FH Kufstein Tirol Bildungs GmbH.

Clause 3 Candidates and Voters

The closing date for the active and passive right to vote is the first day of the academic calendar of the summer semester for the election year.

- (1) Election of the representatives of the CD cohort:
 1. All course directors of the University of Applied Sciences Kufstein Tirol are entitled to be a candidate on the closing date.
 2. All course directors of the University of Applied Sciences Kufstein Tirol are entitled to vote on the closing date.
- (2) Election of the representatives of the TRS cohort:
 1. All persons, which teach and research full-time (university professors and academic staff with teaching functions) are entitled to be a candidate on the closing date. Equally entitled to be a candidate are members of part-time teaching and research staff, who have carried out or will carry out teaching curricular courses of at least one hour per week for the current winter semester and the immediately preceding summer semester or as part of the International Program. Academic staff and student assistants are not eligible to be candidates.
 2. All active members of the full-time teaching and research staff are eligible to vote. Part-time teaching and research staff can also be candidates, if they have carried out or will carry out teaching curricular courses of at least three hours per week for the current winter semester and the immediately preceding summer semester or as part of the International Program.
 3. Course directors are neither entitled to active nor passive voting rights for this cohort.
- (3) Election of the Chair and Vice Chair of the Council:
 1. All members elected to the new Council are entitled to vote actively in accordance with s. 10(2) FHStG. Each member of the Council has one vote, a vote transfer is not possible.
 2. The three candidates proposed by the course-providing body can be voted for. With the consent of the Council, a proposal of two candidates may also be submitted for the election of the Chair and the Vice Chair. This consent must be obtained by a resolution with more than half the votes of the Council members in favor. If no consent has been given to accept a proposal of two candidates, a proposal of three candidates must be submitted by the course-providing body.

Clause 4 Election procedure

- (1) A public announcement of the election will be made at least 3 weeks before the first day of the election at a generally and publicly accessible place on the premises of the FH and by email to the candidates.
- (2) The public announcement of the election must include the following:
 - (a) the election days, the election times and the location of the polling station;
 - (b) a reference to the list of all candidates, the place and time at which the list may be inspected, and the date until which written objections regarding the electoral roll may be submitted to the Electoral Commission;
 - (c) an invitation to all member of the RTS cohort, who are eligible to stand as candidates, to submit their candidature to the Electoral Commission in writing by the closing date specified in the announcement of the election; the course directors will stand for election as a body.
 - (d) the place and times at which voters may collect their ballot cards for postal voting in person and against presentation of an official photo ID;

- (e) a reminder of the obligation for the respective voter to ensure that for voting in person the voting card must be delivered to the Electoral Commission no later than on the last election day in order to be validly cast;
 - (f) a notification that up to six votes may be cast in the election (in each case for the CD and RTS cohort).
- (3) The list of candidates of the two cohorts will be published in a public announcement at the latest when the ballot cards for postal voting are sent (or collected) and will also be sent by email to the candidates. The order of the candidates is determined by lot.
- (4) Voting takes place in person on the premises of the FH on the election days at the times specified. If an application has been made for postal voting, it is not possible to vote in person at the polling station. Votes are assigned in accordance with the following rules:
- (1) Each candidate of the TRS cohort can receive only one vote.
 - (2) The number of votes to be allocated for the CD cohort corresponds to the number of candidates. However, a maximum of six votes may be allocated for each eligible candidate, with points ranging from 1 to 6 (or the number of candidates if less than 6).
- (5) For postal voting, votes are cast in such a way that the voter
- (a) casts the vote personally and in secret,
 - (b) inserts the ballot into the envelope,
 - (c) inserts the election envelope into the second envelope - the voting card - and closes this envelope so that it can only be opened as a result of visible damage,
 - (d) confirms by handwritten signature on the voting card that he/she has complied with the Electoral Rules, and
 - (e) sends this envelope (with a stamp) by post in such a timely and verifiable manner that the voting card arrives at the Electoral Commission in good time (the voter bears the risk of postal delivery).

Clause 5 Election and election results of the Council

- (1) For the election, each candidate has a maximum of 6 votes for the respective cohort, whereby each candidate may only be selected once. Not all 6 votes must be cast.
- (2) The Electoral Commission assesses the results once the election closes. Invalid ballot papers must be documented.
- (3) If there is any doubt as to the validity or invalidity of the vote, the Electoral Commission decides by resolution. The valid votes allocated to the individual candidate are added together.
- (4) The votes received by postal vote are counted as follows:
 - (a) First of all, the ballot cards received must be documented. In addition, it is necessary to check that the voting card is valid, namely that (i) the envelope is sealed, (ii) there is no tampering with it and (iii) the voter has confirmed by signing the envelope with his/her own handwritten signature that the ballot paper contained therein was filled in by him/her personally and in secret. All ballot cards, which do not meet these criteria, must be marked with a statement as to why the voting card was not valid. The invalid ballot cards must be temporarily stored without removing the ballot paper. The Electoral Commission will decide on the validity.
 - (b) Then the next step is to open the valid ballot cards, remove the envelope with the vote and place it in the empty ballot box. The valid ballot cards must be added to the records of the election.

- (c) After the envelopes of all valid ballot cards have been placed in the ballot box, the envelopes must be mixed and the counting of votes is carried out in accordance with the rules for votes cast in person.
- (d) After the counting has been completed, the ballot papers of the invalid ballot cards must be removed and destroyed in the presence of the Electoral Commission.
- (5) The six candidates who received the most votes are elected. The other candidates are substitute members. If elected members of the Council are subsequently elected Chair or Vice Chair, or if they resign from their function, or if they do not accept the election, the substitute members of the Council succeed each other immediately according to the number of votes received. In case of a tie of votes a ranking is made by lot.
- (6) If a member of the Council resigns or loses his function (CD cohort), the next substitute member succeeds. If no successor is available on the relevant list, the vacancy will be assigned to the other list in accordance with the original election result. If the vacancy cannot be filled, a new election of the respective cohort will be held. The term of office of the successor or newly elected person(s) expires at the same time as that of the other members of the Council.

If less than six course directors are elected, the required number of course directors under the FHStG will be obtained from the substitutes list of TRS cohort.

Clause 6 Election and election result of the Chair and Vice Chair of the Council

- (1) The possibility of postal voting is excluded for the election of the Chair as well as its Vice Chair.
- (2) The candidate, who has obtained at least nine votes in the first round (absolute majority of the members of the Council), is elected.
- (3) If no candidate achieves this absolute majority of at least nine votes, a second ballot between the two candidates with the highest number of votes in the first round is held immediately afterwards. If the two candidates with the highest number of votes are not clearly identified due to a tie, a separate second ballot will be held. If all three candidates have the same number of votes, the next ballot will also be held with three candidates.
- (4) If no candidate achieves an absolute majority of at least nine votes in the second ballot, a new ballot must be held immediately afterwards.
- (5) If this election also fails to produce a result, a new election must be held at the latest 4 weeks after this last second ballot with a new nomination of three candidates - if necessary two candidates - by the course-providing body.
- (6) The election result must be published immediately by displaying a notice in a general and publicly accessible place on the premises of the FH as well as by sending an email to all named candidates.
- (7) The election of the Vice Chair must be carried out in a similar procedure. It is permitted that candidates from the original proposal of three candidates for the position of Chair of the Council, who were not elected, may be included on the proposal of three candidates for the Vice Chair. Subject to the consent of the Council and the course-providing body, a simplified electoral procedure may be carried out for this purpose without public announcement and notices (Clause 4 (1) and (2) Electoral Rules).

Clause 7 Minutes of the election, storage of election documents and periods

- (1) The electoral minutes must, in particular, contain the progress of the electoral process, record the election results and note any special events.
- (2) The ballot papers, the ballot cards - separated into valid and invalid ones - and the electoral minutes must be stored for 5 years by the Election Office.

Clause 8 Contestation and scrutiny of elections

- (1) Each voter may contest the election in writing within five days of the announcement of the election result by providing reasons. Any contesting of an election must be granted if the alleged illegality of the election procedure has been proven and had an influence on the election result.
- (2) The Electoral Commission decides by majority vote within a week whether contestation of the election is justified or unjustified. The resolution on the contestation must be reasoned in writing and served without delay to the applicant and to the person directly concerned. An appeal against this resolution may be lodged with the Arbitration Commission, which must be lodged with the Executive Director of the University of Applied Sciences Kufstein Tirol Bildungs GmbH within three days of notification, which must immediately submit this appeal to the Chairman of the Arbitration Commission. The Arbitration Commission will make a final decision within one week of the date of the contestation; no further appeal will be possible.

If the contestation is justified, the Electoral Commission must correct the election result in the event of an incorrect count or declare the election invalid to the required extent and order a re-election to this extent. Any ordered re-run of the election must then be carried out without delay. The Election Office will set the date, place and time of the election. Any repetition of the election must be carried out in accordance with the provisions of these Electoral Rules.

- (3) The final election result must in any case be available as soon as the period for contestation pursuant to Clause 8 (1) has expired without the election being contested, or the period for appeal pursuant to Clause 8 (2) has expired without an appeal having been lodged against the decision of the Electoral Commission or, in the event of an appeal being lodged in due time, the Arbitration Commission having finally decided against the decision of the Electoral Commission. It must therefore be submitted no later than 26 calendar days after the election day.

Clause 9 New election

For vacancies in one of the two cohorts (with an exhausted list of substitute members), new elections must be held for the corresponding cohorts.