

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 (FHG) § 10 (3) (10)



Chapter 4

Rules of Procedure of the Council

Agreed upon by the University Council of the University of Applied Sciences Kufstein, Tirol,
and the University Board on June 5, 2013,
effective as of July 01, 2013.

Last amended by resolution on January 27, 2021.

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Preamble

The provisions of the Austrian University of Applied Sciences Act (FHG), as amended, apply.

In accordance with s. 10(1) of the University of Applied Sciences Act, Federal Law Gazette 1993/340 ("BGBl"), as amended, a Council of the University of Applied Sciences (hereinafter referred to as the "Council") must be established at each University of Applied Sciences in order to carry out and organize teaching and examinations.

These Rules of Procedure come into force on 01/07/2013. These Rules of Procedure were adopted in consultation with the course-providing body.

Clause 1 General, Members and Responsibilities

1. Any reference to persons in the following refers to both genders.
2. Members of the Council are (s. 10(2) FHG):
 - a) Chair of the Council and Vice Chair of the Council;
 - b) Six directors of studies of degree programs offered by the University of Applied Sciences;
 - c) Six representatives of the teaching and research staff of the degree programs;
 - d) Four representatives of the degree program students.
3. If the Chair of the Council or the Vice Chair withdraws from the Council prematurely, a supplementary election must be held within 4 weeks for the vacancy based on three proposed candidates put forward by the course-providing body according to the Electoral Rules of the Council.
4. If a member retires withdraws from the Council or no longer qualifies as a member of the group of persons he/she represents, the succeeding substitute member from the respective list of substitute members will succeed him/her for the remainder of the term of office. If the substitute list is exhausted, a supplementary election must be held in accordance with the Electoral Rules. The Electoral Rules must provide for a sufficient number of substitute members. The members elected in a supplementary election will continue to hold office until the next regular election.
5. For members pursuant to s. 1 Sentence 2(d), it must be ascertained that the number of representatives does not drop below the number specified in s. 1 Sentence 2(d) due to study-related absences for internships, exchange term/year abroad, terminated training contracts, an interruption of the studies or a waiver of office. It is the responsibility of the student representatives to ensure that s. 1 Sentence 2(d) is complied with.
6. The Council must perform all responsibilities specified in FHG (s. 10(3)). In detail, these are the following:
 - a) Election of the Chair and the Vice Chair based on a proposal of three individuals put forward by the course-providing body. Subject to the consent of the Council, this proposal may be reduced to two individuals. The proposed individuals must be full-time members of the faculty. If the incumbent Chair and/or Vice Chair announce their interest in serving a consecutive term, they can be appointed without election if the Council agrees to such a resolution by a two-thirds majority and if the course-providing body consents. Repeated reappointments are permissible. The Chair of the Council shall use the designation 'Academic Director' or 'Chair';
 - b) Motion for dismissal of the Chair or the Vice Chair to the course-providing body, or a statement regarding any intention of the course-providing body to this effect, in the event that these office holders have grossly breached or neglected their duties or are no longer able to perform their duties;
 - c) Changes regarding accredited degree programs with the consent of the course-providing body;
 - d) Establishment and discontinuation of degree programs and further education courses with the consent of the course-providing body;

- e) Budget applications (investment, material, and personnel expenses) to the course-providing body;
 - f) Strategic development of teaching, applied research, and internationalization as necessary for the safeguarding of competence-based and future-oriented degree programs at university level, in agreement with the course-providing body;
 - g) Coordination of contents of all teaching activities;
 - h) Safeguarding quality in teaching and research, as well as the evaluation of all teaching including examination regulations and curricula;
 - i) Awarding of academic honors customary in the university system, in agreement with the course-providing body;
 - j) Adoption of rules of procedure and a statute in agreement with the course-providing body. The statute must at a minimum contain study and examination regulations, the electoral rules for the council, rules pertaining to the establishment of any committees and their own statutes, rules governing required quorums in the Council, equal opportunity provisions, regulations concerning the establishment and discontinuation of degree programs and further education courses, as well as rules for the use, *mutatis mutandis*, of university titles and the awarding of academic honors. The statute must be published in appropriate form;
 - k) Decisions regarding appeals against decisions by the directors of studies.
7. The Chair of the Council may (s. 10(4) FHG):
- a) direct and instruct members of the teaching and research staff, if these are full-time employees, regarding any issues that concern the proper exercising of their teaching duties and the safeguarding of a high-quality, practice-oriented education at university level, and within the scope of quality management, direct and professionally instruct directors of studies and the directors of academic units;
 - b) award teaching contracts based on proposals or after a hearing of the Council;
 - c) represent the Council in its external relations and implement its resolutions;
 - d) confer and revoke academic degrees, and validate academic degrees acquired at international higher education institutions;
 - e) propose to the course-providing body candidates to serve as directors of academic units and teaching and research staff;
 - f) commission and support the implementation of external quality assurance procedures in agreement with the course-providing body.
8. The director of studies may:
- a) grant admission to examinations, assign examiners, set examination dates;
 - b) recognize studies and examinations on a case-by-case basis;
 - c) withdraw recognition of examinations;
 - d) take decisions concerning matters pertaining to the law of higher education pursuant to ss. 11 - 21 FHG;
 - e) take decisions under s. 4 (4), (5)(3), (6) and (7) FHG¹.
9. In performing its duties, the Chair of the Council is bound by the Rules of Procedure. The Chair of the Council must assist the Council in the preparation of its resolutions and must keep it informed of its activities during its meetings.
- All rights and duties of the Chair of the Council may be exercised by the Vice Chair in case of the prevention, absence or other unavailability of the Chair of the Council. Prior to the election of the Chair, the oldest member of the board convenes a constitutive meeting of the Council.

¹ Admission to the university course

Clause 2 Convening meetings

1. Ordinary meetings of the Council are convened by the Chair of the Council at least biannually as of the respective commencement of each semester.
2. If required, extraordinary meetings of the Council may be convened. An extraordinary meeting must be convened by the Chair within 5 working days of receipt of a written motion by at least 1/3 of the members with a proposal attached for the agenda.
3. The invitation to ordinary and extraordinary meetings must be issued by email to all members of the Council at least 5 working days before the scheduled date.
4. Failure to comply with the deadline specified in Sentence 3, or in the event of an extraordinary meeting of the Council summoned orally (over the telephone), constitutes the convening of an ordinary meeting, if all the members of the Council follow suit or have demonstrably given their consent to the holding of the meeting.

Clause 3 Participation

1. All members must attend the meetings.
2. If a member is prevented from attending a meeting either in its entirety or in part, this must be communicated to the Chair of the Council in advance and without delay in writing. The notification must be appended to the minutes of the meeting.
3. Any permanent absence must be reported in writing to the Chair of the Council, whereby the Council (in the case of permanent absence of persons belonging to the groups according to s. 1 Sentence 2 (c) and (d) will nominate the next substitute member from the list of substitute members of the respective group as an ordinary member of the Council.
4. The transfer of votes is possible for all members, if the transferor is prevented from attending, and must be notified in writing or orally by the transferor to the Chair of the Council no later than before the beginning of the meeting. The vote may be transferred to any member with the right to vote.
5. Upon a justified motion by a member, persons providing information and experts may be consulted in a consultative capacity for individual items on the agenda. The motion will be put to the vote at the beginning of the meeting.
6. Upon a justified motion of a member, a guest may attend meetings of the Council without the right to vote.
7. A person, who is not a member of the Council, may also be nominated by the Chair to record the minutes.
8. Online-participation in meetings is possible, with members participating online retaining the same rights and duties as those participating in person, with the exception of voting rights when a vote is by secret ballot.

Clause 4 Agenda

1. The agenda is set by the Chair of the Council.
2. A provisional agenda must be emailed 5 working days prior to the meeting together with the announcement of the ordinary meeting. The members may submit proposals for further items on the agenda until the convening notice and the final agenda have been distributed.
3. Items, which the Chair of the Council has not declared as agenda items when convening the meeting, may only be discussed if the members of the Council present approve by a simple majority.

Clause 5 Council meetings

1. The Chair of the Council or the Vice Chair respectively opens, chairs and closes the meetings. If both the Chair or the Vice Chair are absent, the oldest member of the Council will open, chair and close the meeting.
2. Meetings of the Council are not public.
3. After the agenda has been read out and any resolutions passed in accordance with s. 4 Sentence 3, the Chair of the Council will report any significant business transactions since the last meeting to the Council.
4. In addressing each item on the agenda, the Chair of the Council will give the floor first to the member at whose instigation the item was included in the agenda. Thereafter, the Chair of the Council will open the debate and each member of the Council will have the right to speak about each item on the agenda.
5. The Chair of the Council will give the floor to the members of the Council on the basis of the order in which they wish to speak. If the debate concerns a motion, the member on whose motion the item was placed on the agenda will have the final word.
6. The Chair of the Council must ensure that the agenda is dealt with promptly, properly and in a fruitful manner. In particular, the Chair must prevent debates that diverge from the subject.
7. All meetings of the council take place exclusively on the premises of the University of Applied Sciences Kufstein Tirol, Andreas Hofer-Straße 7, A-6330 Kufstein, which have been rented for studying purposes.

Clause 6 Quorum and vote

1. Resolutions at meetings of the Council may only be adopted, if the respective Chair of the meeting is personally present. The Chair of the Council or the Vice Chair may also adopt resolutions using written circulations.
2. Resolutions of the meetings will be adopted only if at least half of the members are present in person or online. This quorum must exist at the time the resolution is adopted, i.e. at the time the vote is taken. Whether the meeting is quorate depends on the total number of members of the Council eligible to vote.
3. A resolution is adopted, if more than half of the votes cast are in favor of a motion. The Chair of the Council is the last to cast the vote. In the event of a tie, the vote of the Chair of the Council is decisive (tie-breaking vote).
4. All members of the Council have one vote or a maximum of two votes in the case of a transfer of vote.
5. The Chair of the Council decides the order the motions on an agenda item are put to the vote. A motion to adjourn an item on the agenda must always be submitted to the vote first.
6. A vote on matters, which are not on the agenda, is inadmissible.
7. Unless otherwise agreed, requested or decided, votes will be cast by show of hands. The principle of the discretionary exercise of office applies.
8. Each motion must be read before the vote by the person recording the minutes.
9. The Chair of the Council is responsible for confirming the result of the vote.
10. Notwithstanding the above, any member of the Council, in the event that he or she does not approve of the result of a vote, may request that his or her objection be recorded verbatim in the minutes.

11. Matters concerning a member of the Council personally must be voted on by secret ballot. A secret ballot must also be held, if requested by a member of the Council and adopted by the Council by simple majority.
12. Motions for resolutions by written circulation may be submitted by the Chair or the Vice Chair to the members of the Council by email. The answer must be given within at least one week. If at least one member of the Council requests a discussion at a meeting, the resolution will not be adopted, and the request will be dealt with at the next meeting of the Council.
13. A resolution by written circulation is adopted, if at least half of the members of the Council respond, and more than half of the votes cast are in favor. In the event of a tie, the vote of the Chair of the Council is decisive (tie-breaking vote).

Clause 7 Prejudice

1. According to the provisions of the Austrian General Administrative Procedure Act 1991 (AVG), Federal Law Gazette 1991/51, as amended, a member of the Council may be considered biased with regard to matters concerning his personal circumstances or those of a close relative.
2. The member concerned must leave the meeting chamber after the hearing for the duration of the debate and vote on the matter.

Clause 8 Minutes

1. For each meeting of the Council minutes must be recorded.
2. The minutes must be taken by the person recording the minutes.
3. The minutes must include:
 - a) the place, the day and the duration of the meeting;
 - b) the name of the chairperson of the meeting of the Council as well as the present members of the Council;
 - c) the names of the members prevented from attending (s. 3 Sentence 3);
 - d) the original agenda and, if amended, the final agenda;
 - e) the motions in verbatim wording;
 - f) the resolutions in verbatim wording;
 - g) the result of the vote and elections expressed in digits;
 - h) orders by the Chair of the Council (forbidding a member to speak, etc.);
 - i) communications for informing the Council;
 - j) the facts governed by s. 6 (11);
 - k) the establishment of the quorum according to s. 6 Sentence 1 and 2.
4. The minutes of the meeting must be sent within 5 working days of the meeting to the members of the Council. Objections or comments must be submitted to the Chair of the Council within a period of 10 working days. In individual cases, the Council may set a different deadline. In the event that the next meeting is held prior to the end of the formal objection period, the objection period will end when the item "Approval of the minutes of the last meeting" is dealt with during that meeting.
5. The members of the Council may highlight inaccuracies or irregularities in the minutes, but may not make any changes themselves. Any items of the minutes, which were the subject to an objection, must be dealt with at the next meeting.
6. The following must be appended to the minutes: all written documents concerning the prevention of members and transfers of votes.
7. The resolutions adopted by the Council must be specifically highlighted in the minutes.

8. The minutes must be signed by the Chair of the Council and by the person recording the minutes.
9. A copy of the minutes must be sent to the Executive Board of FH Kufstein Tirol Bildungs GmbH within 5 working days of the meeting at the latest.
10. Only the members of the Council and the Executive Board of the FH Kufstein Tirol Bildungs GmbH have a right to receive the contents of the minutes.
11. The original minutes and other records must be archived by the Chair of the Council during the term of office and must be transferred to the new Chair by the previous Chair of the Council of the Executive Board of the FH Kufstein Tirol Bildungs GmbH for archiving no later than 5 working days prior to the handover of the business to the new Chair. The documents must be archived on the premises of the University of Applied Sciences. The retention period is 7 years.

Clause 9 Validation of a degree obtained at an international higher education institution

1. Applications for validation of a degree acquired at an international higher education institution in accordance with s. 6(6) FHG must be submitted personally and in writing to the Chair of the Council with all necessary documents enclosed. The validation fee (currently EUR 150.-), imposed by the relevant Federal Ministry, must be paid in advance for the processing. The documents required are:
 - a. Copy of the curriculum vitae
 - b. Copy of the birth certificate with certified German translation or international birth certificate,
 - c. Copy of proof of citizenship with German translation or passport,
 - d. Copy of the marriage certificate with German translation if the name was changed as a result,
 - e. Copy of the school-leaving certificate as well as any other documents attesting eligibility to study abroad, with certified German translation,
 - f. Copy of the transcript with German translation,
 - g. Original certificate conferring the academic degree with certified German translation,
 - h. Proof of payment of the validation fee.
2. The application must state the academic degree awarded at an international university with the original wording and with a German translation, the name of the international university awarding the degree with the original wording and with a German translation, the intended national academic degree as well as the national degree program for which the national academic degree is awarded and its degree program code.
3. The application must contain evidence or affidavits concerning the following facts:
 - a. The validation is obligatory for the professional practice or continuation of the applicant's training in Austria. The obligatory requirement must arise from an Austrian legal provision.
 - b. The applicant has not submitted an application for validation to any other body and such proceedings have not yet been concluded.
 - c. The applicant has not submitted an application for validation to other councils and has withdrawn it before completion of the relevant proceedings.
4. The Chair of the Council or the Vice Chair must forward the application to the director of studies of the national degree program specified in the application. He/she must examine the application within a period of three months and present the evaluation in writing:
 - a. Whether the applicant would satisfy the admission requirements under s. 4(4) FHG for the national university course, specified in the application, prior to admission to the international university course specified in the application,
 - b. Whether the international university course specified in the application is equivalent with regard to the requirements, the total duration and the study contents to the national university course specified in the application,
 - c. Which of the lectures of the national university course specified in the application could be considered equivalent in an abstract procedure regarding the gained knowledge within the meaning of section 12 FHG following the award of the international degree specified in the application. Parity must be proven for each course in terms of content and scope.

5. After an assessment by the director of studies in accordance with paragraph 5 has been submitted, the Chair of the Council will decide as to whether to grant approval. If parity is generally given and only individual qualifications for full parity are missing, the Chair of the Council must inform the student which courses and examinations can be taken as an extraordinary student.

Clause 10 Staff Committee

1. For each term of office, the Council must set up a Staff Committee, which must be elected by a simple majority on the basis of a proposal of the directors.
2. Inherent members are the Chair, the Vice Chair; further members of the Staff Committee are 2 director of studies representatives, 2 teaching and research staff representatives and 2 student representatives.
3. The Staff Committee is chaired by the Chair of the Council or, in absentia, by the Vice Chair.
4. The task of the Staff Committee is to establish appointment committees for the recruitment of full-time teaching and research staff. In addition, the Staff Committee may develop proposals for the creation or closure of teaching and research positions.
5. The Staff Committee will be convened by the chairperson when a vacant position for full-time teaching and research staff has become vacant or at the suggestion of a member of the Staff Committee. The invitation must be made in writing, in person or by email one week before the meeting.
6. With regard to quorum, adoption of resolutions and circular resolutions, the rules on quorum, adoption of resolutions and circular resolutions of the Council apply *mutatis mutandis*. The resolutions of the Staff Committee must be reported to the Council at the respective subsequent meeting.
7. If a member resigns from the Staff Committee, a substitution from the corresponding group of persons may be chosen by the chairman until the next meeting of the Council.

Clause 11 Quality Committee

1. For each term of office, the Council must set up a Quality Committee, which must be elected by a simple majority on the basis of a proposal of the Chair.
2. Inherent members are the Chair, the Vice Chair; further members of the Quality Committee are 1 director of studies representative and 1 teaching and research staff representative.
3. The Quality Committee is chaired by the Chair of the Council or, in absentia, by the Vice Chair.
4. The task of the Quality Committee is to establish the official duties of the academic staff, to deal with the evaluation results of courses by students and to deal with applications for the use of university titles.
5. The Quality Committee is convened by the Chair in the case of applications for the use of university titles or at the suggestion of a member of the Quality Committee. The committee is convened at least once per semester to discuss the results and reports of the course evaluations. The invitation must be made in writing, in person or by email one week before the meeting.
6. With regard to quorum, adoption of resolutions and circular resolutions, the rules on quorum, adoption of resolutions and circular resolutions of the Council apply *mutatis mutandis*. The resolutions of the Quality Committee must be reported to the Council at the respective subsequent meeting.
7. At least once per academic year, the Quality Committee will report to the Council on the progress of its activities.
8. If a member resigns from the Quality Committee, a substitution from the corresponding group of persons may be chosen by the Chair until the next meeting of the Council.

Clause 12 Other committees

1. If necessary, the Council may establish other committees and sub-committees to prepare drafts and draft decisions to the Council on matters designated by the Council.
2. Regarding meetings of other committees and sub-committees, the above provisions of the Staff Committee apply *mutatis mutandis*.

Clause 13 Implementation of the resolutions

1. The Chair of the Council will implement the resolutions of the Council, which are within its remit, and forward the resolutions, proposals and recommendations to the competent bodies. Resolutions, which do not fall within the remit of the Chair of the Council, must be discussed by the Chair of the Council within a reasonable period of time with the competent body in order to debate their implementation. It must report its findings to the Council at the next meeting.
2. The Chair of the Council is entitled to suspend the implementation of a resolution in the event of legal objections, but is obliged to report to the Executive Board of the University of Applied Science. In any case, the Council must be informed. If the Executive Board communicates that, after obtaining legal information from the competent Federal Ministry, there is no reason to revoke the resolution, it must be implemented immediately by the Chair of the Council. If resolutions are passed which exceed the remit of tasks and activities of the Chair of the Council, then these are ineffective.
3. Resolutions of the Council concerning a degree program and notifications to the students will be published by the Chair of the Council in the form of excerpts from the provisional minutes within 5 working days of the passing of the resolution at the latest in a suitable, easily accessible public place of the University of Applied Sciences.

Clause 14 Rules of Procedure

1. Each member of the Council will receive a copy of the Rules of Procedure.
2. Non-compliance with the Rules of Procedure will be determined at the request of a member of the Council by a two-thirds majority decision of the Council. For a possible dismissal of a member, see Clause 16 Sentence 6. In the event of a dismissal, the person ranked next according to the number of votes succeeds in accordance with Clause 3 Sentence 3.

Clause 15 Confidentiality

1. Consultations and minutes of the Council, its committees and sub-committees must be kept confidential by all persons present. Clause 8 remains unaffected thereof.
2. In the event of non-compliance, the matter must be submitted to the Council, which will deliberate or decide any consequences.

Clause 16 Election and dismissal of members of the Council

1. The regular term of office of the Council and its Chair is 4 years. The Council must ensure that the relevant electoral procedures are instituted in good time before the end of the regular term of office.
2. The elections of members of the Council must be held in accordance with the Council's Electoral Rules.

3. The elected members of the Council must take up their duties on the day following the final result of the elections. The exercise of the functions of delegated members of the Council also begins on that day. This automatically ends the exercise of the functions of the current members of the Council. The elected Chair and the Vice Chair of the Council also accept responsibility for the business on the day after the final election results become available. During the period between the assumption of office by the members of the Council and the assumption of business by the elected Chair as well as by the Vice Chair, such transactions will be conducted by the longest-serving member of the Council as Chair and the second longest-serving member of the Council as Vice Chair.
4. If a group of persons appointed to the Council for the election or appointment of representatives does not fulfill the respective obligation in good time, the Chair of the Council of this group of persons will set a reasonable period for the election or appointment. If this period expires without result, the Council will be deemed to be quorate even without representatives of this group.
5. An application within the meaning of Clause 1 Sentence 6 (b) may be submitted by a resolution of the members of the Council, adopted by a 2/3 majority.
6. The Council is responsible for the dismissal of members of the Council during the term of office. The dismissal may take place if the member has grossly breached or neglected his duties or is no longer able to fulfill the duties. The resolution concerning such dismissal requires a 2/3 majority of the Council.

Clause 17 Amendments to the Rules of Procedure

Amendments to the Rules of Procedure and/or Electoral Rules require a 2/3 majority of the Council. Amendments to the Rules of Procedure and/or Electoral Rules must be made in agreement with the course-providing body.