

# **Rules of Procedure for the University Senate and MU collegial bodies**

## **§ 1. Scope**

(1) The rules of procedure are applied to the University Senate of Modul University Vienna and correspondingly to all other university bodies established by the University Senate.

(2) The rules of procedure specify the clauses contained the university constitution in detail. Regulations of the rules of procedure that contradict the university constitution are not valid.

## **§ 2. Election and appointment of members for the University Senate**

(1) The members of the University Senate at Modul University Vienna (University Constitution Section V §2 (a-d)) are elected every three years in a secret ballot out of the members of the respective group who are employed by Modul University Vienna or any company the university owns more than 50% at the time of the announcement of the election. The University Senate has to ensure that the elections will be held in the month before the current term of office expires. To this end, it has to elect an election committee, consisting of each a member from the groups (a-d) which will organize the elections and elect a chair from its midst.

(2) The deadline for candidacies and the election date shall be announced to all employees two weeks prior to the deadline for candidacy at the latest. Candidacies shall be brought to the attention of the election committee two weeks prior to the election date. Nominations can be submitted by the candidate themselves, or candidates can be proposed by other members of the same stakeholder group. Non-faculty researchers (Art. V § 2 lit. d University Constitution) must be employed at least 10 hours per week. All other candidates must be employed at least 20 hours per week. Hours employed at companies affiliated with Modul University Vienna are added to the number of hours employed by Modul University Vienna if the University owns more than 50% of the company. The election committee will check if nominees are actually eligible and available for the position they have been nominated. The election committee also informs all employees about the heretofore list of candidates three days before the end of the nomination period.

If exactly the required number or fewer members of a stakeholder group run for office than the number of seats that are available for this group, no election is held. The candidates are automatically confirmed by the President, which is then brought to the attention of the University Senate in its next meeting.

(3) The final list of candidates shall be announced publicly two working days after the deadline for the candidacy at the latest. All members of the respective group employed at the time of the election at the university are entitled to vote on their representatives.

(4) The election has to be organized in form of a vote by ballot. The ballot is created by the election committee and there have to be separate ballots for each group. Each voter can cast as many votes as there are seats for their respective group. The voting period shall last at least 6 hours. The ballots shall be dropped into a ballot box. One member of the election committee shall be present at all times during the election period. Absentee voting is allowed. The ballot box shall not be opened at any point during the election. After the election, it shall not be opened until all members of the election committee are present. Also, all candidates are entitled to be present at the counting of votes. The candidates who receive the most votes will be elected as representatives of their respective group. If there is a tie, the lot decides.

(5) Representatives who are on leave are still to be invited to meetings by the University Senate. Every representative can appoint a substitute member who can replace them in meetings of the University Senate in case of hindrances. Appointments of substitutes have to be brought to the attention of the chair and continue until revoked. Substitute members must not be current representatives of the University Senate, however, a member can be appointed as substitute by several representatives.

(6) If an elected member of the University Senate leaves the university or is promoted to a different representative group, the substitute member automatically becomes a representative of the University Senate and can nominate another substitute (University Constitution, Section V, § 2). Changes in substitute members must be brought to the attention of the chair at least 1 working day before a meeting of the University Senate.

### **§ 3. Meetings of the University Senate**

(1) The meetings of the University Senate are not public.

(2) The University Senate is chaired by the President unless convened by at least six members stemming from at least two groups. At least one week must elapse between the posting of the invitation and the date on which the University Senate is held (University Constitution, Section V, § 5).

(3) An agenda shall be attached to the invitation to all representatives and substitute members of the University Senate. The chair must include a topic if at least three members of the body have issued a request for inclusion at least two working days prior to the meeting in written form including an explanatory statement. Comprehensive documents like curricula changes, revision of study and examination

regulations, development plans, or similar, must be submitted to the chair at least one week prior to the date of the meeting of the University Senate.

(4) At the beginning of the meeting, substitute members have to declare who they are replacing, and the presence of a quorum shall be assessed. With the exception of the members of the University Board, each member of the University Senate is entitled to one vote. The voting right must be exercised personally and in presence.

(5) The University Senate has a quorum when at least 50% of its members entitled to a vote are present when the resolution is voted upon.

(6) Unless otherwise stipulated, the University Senate passes its resolutions by a simple majority of votes of the members present when the resolution is voted upon. In the event of a parity of votes, the resolution is voted on by the group of Full and Associate Professors. In the event of another parity of votes, the chair makes the decisive vote even if they are a member of the University Board (University Constitution, Section V, § 2).

(7) Decisions by the University Senate that need approval by the University Board or University Council must be clearly marked as inseparable; otherwise, they can be approved partially.

(8) A member who has a conflict of interest must leave the room during the discussion and voting process. The cases of conflict of a member's interest are in analogy to the Austrian Public Administration Law (§ 7 AVG):

- a) issues where a member or one of their relatives is involved;
- b) issues where a member has been or still is a representative for another party involved;
- c) when other important issues question the impartiality of a member.

(9) Usually, the vote is carried out in the form of an open roll call. A secret vote shall be taken:

- a) when the motion affects a member of the body personally;
- b) when the chair decides to take a secret vote;
- c) when the body decides to take a secret vote.

(10) The chair shall announce the result of the vote immediately.

(11) The chair shall order a revote if ambiguities that could have an impact on the result appear when counting the votes.

(12) Every member has the right to put a votum seperatum on record immediately after the vote. The member who announces the votum seperatum has to give reasons for the announcement. The votum seperatum shall be submitted in written form three

days after the meeting at the latest. The written statement becomes part of the record.

(13) Minutes shall be taken for every meeting. The minutes shall be signed by the minute taker and the chair. Minutes of meetings should be sent out not later than two weeks after the meeting. Minutes are disseminated to all representatives and substitute members of the University Senate.

#### **§ 4. Rules for the nomination of the President, Vice-President, and the election of the Deans**

(1) The election process for the position of the Dean is chaired by the President. The nomination process for the President or Vice President is chaired by the Managing Director.

(2) The nomination of the President, Vice President to the University Council or the election of the Dean has to be officially announced among the faculty by the chair, at least three months before the end of the regular term or, if this is not possible, at the earliest possible date.

(3) Candidates must hold an active work contract with a minimum of 30 working hours.

(4) For a period of at least two weeks starting from the date of announcement, nominations can be submitted by the candidate themselves, or candidates can be proposed by members of the University Senate. Nominations must be submitted to the respective chair, who will check if nominees are actually eligible and available for the position they have been nominated. If, at the end of the nomination period, less than 3 candidates have been nominated, then the chair must extend the nomination period by at least one week.

(5) If there is only one candidate for the election of the Dean, no election is held. The candidate is automatically confirmed by the President, which is then brought to the attention of the University Senate in its next meeting. If there is no candidate for the election of the Dean, then the President may take over the tasks of this position or decide to nominate some other member of the university until the Senate has decided on a nominee. In this case, this person may not fulfil the requirements as stated in §4 (3).

(6) If there is only one candidate for the nomination of the President or of the Vice President by the University Senate, no election is held. The candidate is automatically confirmed by the Managing Director, which is then brought to the attention of the University Senate in its next meeting.

(7) A candidate can be elected for several positions. However, the positions of President and Vice-President are mutually exclusive.

(8) The chair will nominate three members of the University Senate, who will join their forming a Voting Committee.

(9) The election process of the President, Vice President, and Deans as well as the first, second and third rank for the nomination list of the President and Vice President position has to be organized separately. In case the election of the President and the Vice President takes place in the same meeting, the election of the President will be held first.

(10) The vote will be held by ballot. Each representative is entitled to vote for one candidate.

(11) After the votes have been cast, the Voting Committee counts the votes and announces the result. In the event that a candidate does not receive the absolute majority of votes, a run-off between the two top ranked candidates will be held.

(12) In the case of the election of the President or Vice President, the Managing Director will be commissioned by the University Senate to present the list of the three best ranked candidates and information about the voting results of all elections to the University Council. If there is only one candidate for the election of the President or of the Vice President, the Managing Director will be commissioned by the University Senate to present the candidate to the University Council.

#### **§ 5. Guidelines for collegial bodies founded by the University Senate**

(1) The University Senate elects representatives on the studies and examinations committee (SEC), the Inclusion and Diversity Committee (IDC), and other committees (University Constitution, Article V, § 6 (5)). Representatives of the students are nominated by the elected student representatives on university level.

(2) All employees, active or temporarily on leave, are eligible to be elected for a collegial body.

(3) If not specified by the constitution, the University Senate decides on the stakeholder groups represented in a collegial body, and the number of members for each group.

(4) Elections can be organized in the same meeting when a collegial body has been founded unless a nomination period is requested by at least one member. The nomination period is then to be organized in analogy to the election of the President and Vice President.

(5) If there are as many or less nominees than available positions in all stakeholder groups, then the members of a committee are elected as a group by simple majority.

(6) If there are more nominees than available positions, then the vote will be held by a ballot for each stakeholder group with more candidates. Each member of the University Senate is entitled to vote for one nominee for each undecided stakeholder group. After the votes have been cast, the Voting Committee counts the votes, creates a ranked list of candidates with the most votes for each stakeholder group and announces the result. In the case of a tied vote, a run-off between the respective candidates will be held.

(7) Should the University Senate not decide or regulate the appointment of the chair of a collegial body, the inaugural meeting will be called by the longest serving body member, and by simple majority of votes the body's members shall elect a chair among its members.

(8) If a member of an appointment, habilitation or promotion committee (Art. XIII-XIV University Constitution) leaves the University, they may continue to serve in the committee until the work is completed and the committee is dissolved. If a member, however, is unable to continue with their committee work, the President may decide on a substitute member. The nomination of a substitute member has to be approved at the next Senate meeting. In all other committees where there is a temporarily hindrances of a member of up to 12 months, the collegial body may decide to co-opt a substitute member.

## **§ 6. Guidelines for the election of academic School Heads**

(1) Candidates for the election of a School Head must meet the qualification outlined in the University Constitution. They must hold an active work contract with a minimum of 20 working hours per week.

(2) If there is only one faculty member who fulfils the qualification outlined in the University Constitution, then no election is held, and the candidate automatically becomes the School Head until the situation changes.

(3) If multiple faculty members fulfil the qualification outlined in the University Constitution, the election of the academic School Heads has to be officially announced among the School's academic staff by the longest serving member of the School not qualified for the election as School Head (= master of the election) at least three months before the end of the term or at the earliest possible date.

(4) The heads of the academic Schools are elected by the School's academic staff (University Constitution, Art. IV). Academic staff are all Full, Associate, Assistant Professors, Assistant Professors/Senior Lecturers, Researchers and Lecturers, other internal lecturers, as well as Researchers and Senior Researchers employed at Modul University Vienna or any of its affiliated organizations. Each member of the academic staff of the School is entitled to vote for one nominee. If a faculty member is affiliated with multiple Schools, then they are eligible to participate in each of the School Head elections. Absentee voting is possible with the presence of a quorum (50% +1) during

the election. The organisational modalities of absentee voting are to be defined by the master of the election.

(5) For a period of at least two weeks starting from the date of announcement, nominations can be submitted by the candidate themselves, or candidates can be proposed by members of the School. Nominations must be submitted to the master of the election who will check if nominees are actually eligible and available for the position they have been nominated. If, at the end of the nomination period, less than two candidates have been nominated, then the master of the election must inform all School's academic staff and extend the nomination period by at least one week.

(6) If there is only one candidate, then no election will be held. The candidate automatically becomes the School Head and the master of the election will inform the President about the result.

(7) The master of the election will nominate two other faculty members, who will join them forming a Voting Committee. These can also stem from the faculty of other Schools.

(8) The vote will be held by ballot. After the votes have been cast, the Voting Committee counts the votes and announces the result. In the case no candidate can reach an absolute majority, a run-off between the two top ranked candidates will be held.

(9) If the department was not able to elect a School Head, then the President nominates a School Head among qualified persons from other Schools until the situation changes.

(10) The School Head may also appoint a Deputy School Head who substitutes the School Head in cases of their hindrance.

## **§ 7. Voting in circulation**

(1) Voting in circulation is not possible for meetings of the University Senate and for the election of academic School heads and in general for decisions of the University Senate. Only decisions of the Senate on members of Search and Promotion Committees may be voted on in circulation.

(2) In all other collegial bodies, the chair can order a vote in circulation on urgent matters.

(3) Votes in circulation can be held via e-mail: The chair shall send the motion to the members' latest e-mail address including a deadline for the reply. The time period for the reply shall amount to at least one week.

(4) Votes in circulation can also be held using an online voting tool. In this case, the members shall be informed about the online vote via e-mail by the chair. The time period for the participation in the online vote shall amount at least one week.

(5) The motion in circulation shall include an explanatory statement. Possible replies to the motion in circulation are “Yes”, “No” and “Discussion desired”.

(6) The resolution is passed when the required number of members has voted “Yes” before the deadline. The resolution cannot be passed if a member desires a discussion.

(7) If the passing of a resolution in circulation does not succeed, the motion shall be put on the agenda for the next meeting. If a resolution is passed in circulation, the result shall be announced at the next meeting.

University Senate, 4 July 2022