

# Constitution

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## **Article I. Legal Status and Entity**

§1. Modul University Vienna GmbH is the legal entity of Modul University Vienna, a private university in Austria that is accredited by the Austrian Accreditation Council according to §2 (1) lit. 1 Private Higher Education Law (PrivHG). The General Assembly of Modul University Vienna GmbH represents the interests of the owners and exercises its rights under commercial law and this constitution.

§2. The organizational structure and responsibilities of Modul University Vienna correspond to the institution's governing bodies, their mandate, and tasks in accordance with international standards. The governing bodies are:

- a. The University Council,
- b. The University Senate,
- c. The University Board.

§3. Modul University Vienna, Modul University Vienna GmbH and its General Assembly shall operate on the basis of its articles of association and on the following principles:

- a. Freedom of science and its teaching (Art. 17 of the Basic Law on the General Rights of Citizens, RGBL. No. 142/1867);
- b. Freedom of artistic creation, the mediation of art and its teaching (Art. 17a of the Basic Law on the Basic Law on the General Rights of Citizens);
- c. Fostering a variety of scientific and artistic theories, methods, and doctrines;
- d. University self-administration and autonomy;
- e. The guarantee of an application-oriented university education, which is at the same time based on research and research-led academic teaching aimed at producing new scientific knowledge and the development of new approaches to the arts;
- f. Imparting the ability to meet the constantly changing demands of science, research, art, culture and technology, and the changing social conditions;
- g. Promoting the permeability of the education system and preparing graduates for the requirements of different fields of work;
- h. Giving students a say, particularly in study matters and in the quality assurance of teaching;
- i. National and international mobility of students, graduates, academic and artistic university staff;
- j. Intensive cooperation with domestic and foreign university and non-university science, research and art institutions;
- k. Worldwide recruitment of highly qualified teaching and research staff;
- l. International orientation in research and teaching;
- m. Cooperation between university members;
- n. Promotion of gender equality, in particular women, and diversity;
- o. Special consideration of the needs of people with disabilities;

- p. Economic efficiency, and good practice of management;
- q. Sustainable use of resources.

§4. Modul University Vienna GmbH pledges to ensure that the operating, maintaining, and financing of Modul University Vienna are in compliance with the Private Higher Education Law (PrivHG), and affiliated regulations. The responsibilities of the General Assembly of the legal entity include the:

- a. Approval of the balance sheet.
- b. Appointment, discharge and dismissal of the Managing Director(s) according to §3 (1) GmbHG (Limited Liability Company Act Austria)
- c. Appointing one of the Managing Directors as University Director and member of the University Board.
- d. Decisions on budget allocation to the University.
- e. Decisions about establishing subsidiaries.
- f. Appointment of the members of the University Council according to Art. II §6.
- g. Confirmation of decisions by the University Board with significant economic impact according to Art. IV §7.

## **Article II. University Council**

§1. The University Council represents Modul University Vienna's interests and supports the University Board with the development of Modul University Vienna.

§2. The term of the University Council is five years.

§3. The University Council consists of the following ordinary members:

- a. four representatives of the owners
- b. two representatives of industry or public institutions
- c. two representatives of other universities or research institutions

§4. Extraordinary members with an advisory function are:

- a. members of the University Board

§5. The University Council can summon additional extraordinary members with an advisory function.

§6. The General Assembly of Modul University Vienna GmbH appoints the owners' representatives and the industry or public institution's representatives. After consultation with the University Senate, the University Board appoints representatives from other universities or research institutes. Reappointment is permitted. The appointing parties are entitled to recall their appointees from office by specifying a cause, but they are obliged to do so with immediate effect in the event of justified loss of confidence, serious breach of duty, criminal conviction, a lack of physical or mental ability, or other behavior that makes further cooperation

unreasonable. They must also ensure the immediate appointment of a new member of the University Council to take their place. All members of the University Council are informed about their responsibilities and sign a nomination decree with a conflict-of-interest clause.

§7. From among the ordinary members of the University Council, a simple majority elects the chairperson of the University Council.

§8. The University Council serves to:

- (1) Pass resolutions proposed by the University Board on changes and/or amendments to the University's constitution where non-academic affairs are concerned.
- (2) Pass resolutions on the University's development plan and organization plan proposed by the University Board.
- (3) Elect the President from the candidates proposed by the University Senate based on Art. V §9.
- (4) Appoint Vice-Presidents selected by the President and after consultation with the University Senate according to Art. V §11.
- (5) Recall the President and/or a Vice-President from office on the grounds of justified loss of confidence, serious breach of duty, criminal conviction, a lack of physical or mental ability, or other behavior that makes further cooperation unreasonable. The University Senate must be informed and invited to provide an opinion.
- (6) Pass resolutions on the introduction and discontinuation of degree study programs if proposed by the University Board after consultation with the University Senate.
- (7) Pass resolutions on offering degree study programs at new locations.

§9. Each ordinary member of the University Council has one vote. The University Council has a quorum if at least 50% of its members are present when the resolution is brought to a vote. The University Council passes its resolutions by a simple majority of the votes cast by the members present when the resolution is voted on. Resolutions of a strategic scope or of significant economic impact also require a simple majority of the votes of the representatives of the owners in the University Council. Abstentions do not count. In the event of a parity of votes, the vote of the chairperson is decisive. The University Council is convened by its chairperson. Each member is entitled to demand that the chairperson convenes the University Council. The invitation, including an agenda, must be sent in writing to the other members at least seven days in advance.

§10. The University Council defines roles and procedures for its operation, in particular how it records its decisions and communicates them to other bodies of the University. The rules and procedures of the University Council must be accessible to all employees of the University. When no rules and procedures for the University Council exist, the rules and procedures for the University apply analogously.

### **Article III. University Senate**

§1. The Senate is the University's central body of academic self-administration and the representation of employees in internal discussions. It has the right to participate and the obligation to contribute to the development of all academic affairs, the organization of research and study degree programs (consecutive and continuing education degree programs), and the appointment of university bodies.

§2. The University Senate consists of

- a. six members from and elected by the group of the Full and Associate Professors;
- b. six members from and elected by the group of all other faculty members;
- c. three members from and elected by the group of all administrative staff;
- d. one member from and elected by the group of all non-faculty researchers;
- e. four student representatives, nominated by the University's representatives of the Austrian National Union of Students (ÖH).

§3. Members of the University Board cannot be members of the University Senate at the same time.

§4. The members of the University Board are invited to Senate meetings and participate in an advisory function. When teaching related items are on the agenda of the Senate meeting, Deans are invited to the Senate meetings and participate in an advisory function, unless they are an elected member.

§5. Each member of the University Senate is entitled to a vote. The University Senate has a quorum if at least 50% of its members entitled to a vote are present when a resolution is voted on. Unless otherwise stipulated in the University's constitution, the University Senate passes its resolutions by a simple majority of the votes of the members present when a resolution is voted on. Abstentions do not count. 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 chairperson makes the decisive vote. In case of absence, the vote can be transferred to another group member. If this group member is not an elected member of the Senate, then they become a temporary member of the Senate as long as they hold the transfer vote. No member of the Senate can have more than two votes.

§6. If an elected member of the University Senate leaves the University, changes to a different group, has requested to be on leave or is on leave for a period longer than six months, a new member is elected (or, in the case of the student representatives, nominated) by the respective group listed in §2.

§7. The members in §2 a-d are elected every three years via secret balloting by their respective peers.

§8. In its constituent meeting or whenever the position becomes vacant, the Senate elects a chairperson and a vice chairperson from the elected members in §2 a-b, following an open call

for application, including the transparent presentation of the process and the election rules. If no chairperson has been elected, the member of group §2 a-b who is the longest-serving employee of the University holds the chair until a chairperson has been elected. The chairperson of the Senate convenes and chairs the meetings of the University Senate and represents the University Senate to other University bodies and third parties.

§9. The term of the chairperson and the vice chairperson of the University Senate ends with the term of the senate, with resignation, with the termination of their employment at the University or when the University Senate elects a new chairperson. To be valid, the election of a new chairperson must be an explicit agenda point in the invitation to the respective Senate meeting.

§10. The University Senate is convened in written form and with the specification of an agenda by its chair at least twice per semester. It is also convened if at least six members, stemming from at least two groups (§2 a-f) request this in writing and specify an agenda. At least one week must elapse between the posting of the invitation to the University Senate and the date on which the University Senate is held. The University Senate may decide on further rules of procedure.

§11. The University Board provides a report about important developments since the last meeting to every Senate meeting and is available for questions and discussion.

§12. The functions of the University Senate include:

- (1) Passing resolutions on changes and/or amendments to the University's constitution on issues related to academic affairs proposed by the University Board.
- (2) Commenting on the University's development plan and organization plan, which are drafted by the University Board.
- (3) Passing resolutions on guidelines for promotion to Associate and Full Professor, which in addition to a simple majority of the University Senate, require a simple majority of the votes of the Full and Associate Professors present when the resolution is voted on. Topics involving the responsibilities of the University Board require the consent of the University Board.
- (4) Passing resolutions on guidelines for appointments of Professors, which, in addition to a simple majority of the University Senate, require a simple majority of the votes of the Full and Associate Professors present when the resolution is voted on. Topics involving the responsibilities of the University Board require the consent of the University Board.
- (5) Nominating the faculty representatives on promotion and habilitation committees for approval by the President, which, in addition to a simple majority of the University Senate, requires a simple majority of the votes of the Full and Associate Professors present when the resolution is voted upon.
- (6) Electing the professor representatives, the representative of the other faculty, as well as the chairperson of each Appointments Committee according to Art. XVIII §7.
- (7) Electing the representatives of faculty and administrative staff on the Studies and Examinations Committee, the Inclusion, Diversity and Equity Committee, the chair of the Examination Regulation Conference, and working groups decided by the University Senate.

- (8) Evaluating the shortlisted candidates for the position or function of the President and proposing a ranking to the University Council (Art. V §8).
- (9) Providing an opinion to the University Council on candidates for Vice-President nominated by the President (Art. V §11).
- (10) Applying or providing an opinion to the University Council for the discharge of the President or a Vice-President from office with immediate effect on the grounds of justified loss of confidence, serious breach of duty, criminal conviction, a lack of physical or mental ability, or other behavior that makes further cooperation unreasonable.
- (11) Passing resolutions on conferring honorary awards after consultation with the University Council.
- (12) Defining the requirements for academic degrees and distinctions. Passing resolutions on regulations for new degree study programs or amendments to regulations of existing degree study programs, which, in addition to a simple majority of the University Senate, require a simple majority of the votes of the Full and Associate Professors present when the resolution is voted on. Topics involving the responsibilities of the University Board require the consent of the University Board.

#### **Article IV. University Board**

§1. The University Board is the executive body of Modul University Vienna. It consists of three seats occupied by natural persons, each with one vote, who each exercise individually one of following roles:

- The President,
- The Executive Vice-President,
- The University Director.

§2. The University Board meetings take place on a regular basis. The President is responsible for directing academic affairs, in particular Modul University Vienna's program of teaching and research. The University Director is responsible for the commercial management of the University, for all economic, financial, and administrative matters, as well as the personnel decisions necessary for administrative operations.

- (1) Notwithstanding this division of responsibilities, all decisions are made jointly by the University Board. All executive roles operate under the authority delegated by the Board. A simple majority finalizes resolutions unless another majority is stipulated within the following terms.
- (2) The members of the University Board have signatory authority over the assigned functions in line with Art. V §11 and any other underlying regulation concerning the University Director.
- (3) The members of the University Board may decide to delegate their tasks. The responsibilities stay with the respective board member.

§3. If prevented from performing their duties, the President is deputized by the Executive Vice-President. The University Director is represented by another managing director or employee who has been granted power of attorney by the General Assembly, or by the Head of Finance until the General Assembly has appointed a further or new University Director. One member has one vote, without regard to the members deputized by the same person.

§4. The University Board is responsible for:

- (1) Drafting changes and/or amendments for resolution by the University Senate to the University's constitution regarding academic affairs and informing the University Council about proposed changes and/or amendments.
- (2) Drafting and revising at least every three years, following consultation with the University Senate, the University's development plan and organizational plan for resolution by the University Council.
- (3) Drafting proposals, following consultation with the University Senate, for resolution by the University Council for the introduction, accreditation, change, or discontinuation of study degree programs.
- (4) After consultation with the University Senate and approval by the University Council, submitting applications for accreditation.
- (5) Passing resolutions on the members of the Admissions Committees and admitting students recommended by the Admissions Committees to degree study programs.
- (6) Awarding academic degrees and distinctions as defined by the study regulations and the University Constitution.
- (7) The University Board is responsible for aligning all operational and academic activities with the university's development plan and budget framework, subject to final approval by the University Council or the General Assembly where required.
- (8) Passing resolutions for new non-degree courses, study programs, or amendments to regulations of existing non-degree programs.
- (9) Passing resolutions on rules and administrative processes related to all affairs of the University that are not explicitly listed as tasks of other University bodies (e.g. setting the academic calendar, initiation of quality-assurance measures, applying for accreditation extension). Contracts with external organizations that are of an academic nature require the signature of the President and the University Director.

§5. The following decisions must be decided unanimously:

- (1) Drafting changes and/or amendments, for resolution by the University Council, to the University's constitution regarding non-academic affairs and informing the University Senate of proposed changes and/or amendments.
- (2) Passing resolutions on the appointment of new faculty and third-party funded researchers upon the recommendation of Appointments Committees, Heads of Schools, Directors of Research Centers, or project leaders.

- (3) Passing resolutions on the appointment of external teaching staff upon the recommendation of the Deans, Program Area Directors or the Director of Continuing Education.
- (4) Passing resolutions on the extension or changes of the term of contracts of faculty, third-party funded researchers, and external teaching staff upon the recommendation of the Heads of Schools, Directors of Research Centers, Deans, the Director of Continuing Education or project leaders.
- (5) Approving the content of public relations and advertising material.
- (6) Submitting proposals to the University Council for offering degree study programs at new locations.
- (7) Passing resolutions on fees, discounts, and scholarships.

§6. The University Director appoints and discharges or changes contractual terms of academic administrative staff after consultation with the other members of the University Board. In other cases, notifications are sufficient.

§7. Decisions of the University Board that have significant economic implications require the approval by the General Assembly of Modul University Vienna GmbH.

## **Article V. The President's Team**

§1. The President's Team consists of the President and up to three Vice-Presidents.

§2. The term of the President's Team is five years starting with the appointment date of the President. Re-elections are possible.

§3. The position of President must be publicly advertised by the University Council. The University Council is responsible for drafting the call and consults its contents with the University Senate before publishing it no later than ten months before the position is expected to become vacant, or within two months of the date of dismissal or declaration of resignation of the President. Only a person with international experience, knowledge of the Austrian and European university system, and the ability to manage a university can be elected as President.

§4. If at the request of the University Council, the current President expresses an interest to serve for another term at least ten months before the end of the current term, then after consultation with the University Senate, the University Council can once prolong the President's term by another five years. In this case no public call is required.

§5. In case of a public call, the University Council establishes a selection committee that will manage the search process for the position of President. The selection committee consists of five members, two appointed by the University Council and two appointed by the University Senate. These four members need to agree unanimously on a fifth member who will become the chairperson of the selection committee. If the four members cannot agree on a person in their first meeting, then the University Council appoints the fifth member, who then becomes the

chairperson. The selection committee's administrative work is organized and supported by a member of the human resources department appointed by the University Board.

§6. The selection committee will screen the applicants and compile a short list of at least three candidates. If there are fewer than three applicants, the short list can have fewer than three candidates. The selection committee communicates the process, the selection criteria, and the resulting short list in a written report to the University Council and to the University Senate.

§7. The University Council provides the budget for the recruitment process.

§8. The University Senate evaluates the shortlisted candidates and proposes a ranking of the candidates to the University Council.

§9. The University Council elects the President from the shortlisted candidates based on all the available information. The chair of the University Council negotiates with the recommended candidate.

§10. At any time, if the University Council and the University Senate conclude that none of the shortlisted candidates fulfill the qualifications or no candidate accepts the offer negotiated with the University Council for the position of President, the University Council must establish a new selection committee and restart the process.

§11. Vice-Presidents, including the Executive Vice-President, are appointed by the University Council, after consultation with the University Senate, based on the nomination submitted by the President. The President assigns an area of responsibility to every Vice-President. In case the President has no employment history with the University in a senior academic position (Full or Associate Professor), then the Executive Vice-President must hold an academic appointment at the university at the time of nomination.

§12. The function of a Vice-President ends with the expiry of the term of the President's Team, with the termination of the Vice-President's employment at the University, with the Vice-President's resignation from office, or with the Vice-President's dismissal from office by the University Council according to Art. II §8 (5).

§13. When the function of a Vice-President ends, the President may nominate a new Vice-President in line with §11 or reassign the responsibilities among any remaining Vice-Presidents. If the function of the Executive Vice-President ends, the President must nominate a new Executive Vice-President in line with §11.

§14. If the President's position becomes vacant before a new President has been elected, the Executive Vice-President absorbs the President's duties as Interim President until a new President is elected. If the Executive Vice-President's position is or becomes vacant at the same time, the University Council appoints the Interim President after consultation with the University Senate. The University Council makes sure that a call is published in line with §3.

§15. The Interim President's term is limited to twelve months, and after this period the longest serving Dean takes over as Interim President.

§16. If temporarily prevented from performing their duties, Vice-Presidents are deputized by the President or another Vice-President, as decided by the University Board.

## **Article VI. Deans**

§1. As outlined in the development plan of the University, the degree study programs offered by Modul University Vienna are organized by different academic levels: undergraduate, graduate, and post-graduate. Each degree study program is assigned to one particular academic level.

§2. The Deans are the directors of all degree study programs and affiliated foundation programs of one academic level. The Deans are responsible within the scope of their authority for all matters concerned with instruction within their degree study programs. The University Senate elects the Deans for the undergraduate programs from among the Full and Associate Professors and the Senior Lecturers. The Deans for all other academic levels are elected from among the Full and Associate Professors. Elections must follow a call for application to all eligible candidates. Further regulations on the process and the election rules must be stipulated in the Rules of Procedure.

§3. Deans are elected for a period of three years. Re-election is permitted. The election of a Dean requires the approval of the President. If this approval is not given, the election must be repeated. If the re-election does not lead to a new result, the President may appoint a Dean. In all cases, the President must provide a reason on why a Dean was not approved.

§4. In the case of justified loss of confidence, conflict of interest, serious breach of duty, criminal conviction, a lack of physical or mental ability, or other behavior that makes further cooperation unreasonable, the University Senate may release the Dean from their duty upon proposal by the University Board.

§5. The Deans must:

- (1) Represent the corresponding degree study programs with respect to the other university bodies.
- (2) Deal with the regular affairs of the degree study programs.
- (3) Harmonize the work of the degree study programs with the university's development goals.
- (4) Be responsible for the academic and pedagogical orientation of the degree study programs in collaboration with the University Board.
- (5) Make decisions on the interruption of studies.
- (6) Share experiences and exchange best practices with their counterparts at Modul University Global Campuses and report their findings to the President on a regular basis.
- (7) Be responsible for the resources at their disposal.
- (8) Participate in selecting students according to the admissions criteria of the respective degree study programs.
- (9) Chair conferences that are relevant to degree study programs as stipulated in Art. XI-XIII.

- (10) Decide on waiving retake and study extension fees in exceptional cases.
- (11) Ensure that the teaching program complies with the curriculum.
- (12) Assure the quality of teaching within the degree study programs.
- (13) Assign the teaching staff to the courses following consultation with the Heads of Schools.
- (14) Select external lecturers for degree study programs and affiliated foundation programs. The appointments are made by the University Board.

§6. For the combination of the degree study programs and affiliated foundation programs that are connected by their content (modules), the Dean can assign the functions named in §5 lit. 11-14 to a Program Area Director. The Dean appoints the Program Area Directors from among the faculty who hold a doctorate.

## **Article VII. Schools**

§1. The University Board implements the academic organizational structure of schools and research centers according to the University's organizational plan. The purpose of the schools is to conduct research to further develop the academic knowledge of their discipline and to disseminate knowledge via study degree programs offered by the University.

§2. The Heads of Schools are, in the framework of their authority, responsible for the development of research and human resources within their school. The Heads of Schools are elected by the respective school's academic staff from among its Full and Associate Professors for a term of five years. Re-election is permitted. Each member of the academic staff is entitled to one vote. The school has a quorum if at least 50% of its members are present when the resolution is voted on. The school passes its resolution by a simple majority of the votes of the present members. Abstentions do not count. In the event of a parity of votes, the longest serving member of the academic staff makes the decisive vote. The election of the Head of Schools requires the approval of the President. If this approval is not given, the election must be repeated. If the re-election does not lead to a new result, the President may appoint a Head of School. In all cases, the President must provide a reason on why the approval was not provided.

§3. The Heads of Schools' functions are:

- (1) Representing the school with respect to the other University bodies;
- (2) Dealing with the regular affairs of the school;
- (3) Harmonizing the school's activities in the areas of research, services, and sustainable development with the University's development goals;
- (4) Responsibility for the compliance of the school's academic staff with their teaching load, in cooperation with the respective Deans and Program Area Directors;
- (5) Assuring the quality of the school's activities;
- (6) Responsibility for and supervision of the academic staff assigned to him/her;
- (7) Responsibility for the resources at their disposal.

## **Article VIII. Research Centers**

§1. The University Board implements the academic organizational structure of research centers according to the University's organizational plan. Research centers serve interdisciplinary research collaborations, are an expression of an institutional research focus, or serve as a center for exploring and developing new fields that extend the research profile of the University.

§2. Research centers consist of faculty, researchers, and administrative staff. Depending on the goals of a research center, target agreements can specify the acquisition of third-party funding from national and international research sponsors or other activities for advancing the University's research profile. The heads of the research centers are appointed by the University Board from among the scientific employees and are, in the framework of their authority, responsible for the development of research and human resources within their research center.

## **Article IX. Election of Student Representatives**

§1. The student representatives are elected according to the current regulations of the Austrian Student Union Law (Hochschülerinnen und Hochschülerschaftsgesetz).

## **Article X. Studies and Examinations Committee**

§1. The Studies and Examinations Committee is responsible for ensuring compliance with good scientific and artistic practice and ethical standards. To be able to properly judge a specific case, the committee can obtain (external) expert opinions, subject to previous alignment with the University Board concerning the funding involved. Forms of non-compliance with good scientific or artistic practice constitute scientific or artistic misconduct. In any case, scientific or artistic misconduct qualifies if someone:

- (1) Obstructs or sabotages the research or artistic activities of other persons;
- (2) Uses unauthorized aids, including the improper use of artificial intelligence applications;
- (3) Makes unauthorized use of another person in the preparation of a written work or examination or in the preparation of an artistic work or makes use of a commissioned work prepared by a third person (ghostwriting);
- (4) Adopts texts, ideas or artistic works in whole or in part and passes them off as their own, in particular if someone uses text passages, theories, hypotheses, findings or data by direct, paraphrased or translated adoption without appropriately identifying and citing the source and the author (plagiarism);
- (5) Invents or falsifies data or results.

§2. Provisions regarding the measures to be taken in the event of academic or artistic misconduct, in particular in the context of seminar and examination papers, theses and academic and artistic papers, are to be included in the Examination Regulations.

§3. The Studies and Examination Committee suggests to the President the termination of the study contract if the academic or artistic misconduct of a student is serious and the student has

acted intentionally, in accordance with § 2a of the Austrian Higher Education Quality Assurance Act (HS-QSG).

§4. The Studies and Examinations Committee consists of two professor representatives, two other faculty members, and two student representatives. The University Senate elects the representatives of the professors and the other faculty on the Studies and Examinations Committee. The University's representatives of the Austrian National Union of Students (ÖH) appoint the student representatives. At its initial meeting, the committee elects one of the two professors as the chairperson.

§5. The duration of the members' term of office is three years. A new member is elected by the University Senate for the rest of the term if one of the members of the Studies and Examinations Committee resigns from their position. Re-election is possible.

§6. The Studies and Examinations Committee is convened by the chairperson and has a quorum if the chairperson and two additional members are present. The Studies and Examinations Committee passes its resolutions with a majority of the valid votes cast. Abstentions count as votes that have not been cast. In the event of a parity of votes, the chairperson makes the decisive vote.

§7. The chair of the Studies and Examinations Committee ensures that the examination regulations are continuously developed and complied with. The committee reports at least once a semester to the University Board on the outcome of the cases.

§8. All students and examiners at Modul University Vienna can consult the Studies and Examinations Committee.

§9. Members of the Studies and Examinations Committee should disclose any potential conflict of interest and must exclude themselves from dealing with matters that could involve them in a conflict of interest.

§10. The members of the Studies and Examinations Committee can attend any assessment or examination at any time.

§11. The members of the Studies and Examinations Committee are under an oath of confidentiality except for their obligation to report on their decisions.

## **Article XI. Degree Study Program Conferences**

§1. New academic regulations, or changes of academic regulations, related to degree study programs of the University, except the Examination Regulations and Student Code of Conduct, are discussed and proposed by the Undergraduate, Graduate, or PhD Study Program Conference. It serves as a platform for information and as a tool of quality management for degree study programs.

§2. The members of the Study Program Conference are the Dean, all faculty members who have taught or will be teaching in the previous, current, or next semester in the respective degree

study programs, the respective Program Managers, all Full and Associate Professors, the Internship Coordinator (if any of the degree study programs covered by the Degree Study Program Conference includes an internship opportunity), and two student representatives. All members of the Degree Study Program Conference have one vote. The Dean can invite external lecturers and other stakeholders with relevant information to specific cases in an advisory capacity.

§3. The Degree Study Program Conference is convened by the Dean and has a quorum if a minimum of three other faculty members are present. The Degree Study Program Conference passes its resolutions with a majority of the valid votes cast. Abstentions count as votes that have not been cast. In the event of a parity of votes, the Dean casts the decisive vote.

§4. The respective Dean must provide the minutes of the Conference to the University Senate and the University Board within four weeks.

## **Article XII. Examination Regulation Conference**

§1. The Examination Regulation Conference proposes changes in the Examination Regulations and Student Code of Conduct. The Conference serves as a platform for information and as a tool of quality management for all rights and duties of students related to their studies in any of the degree study programs offered by the University.

§2. The members of the Examination Regulation Conference are the Deans, a representative of the Studies and Examinations Committee nominated by its chair, the head of quality management nominated by the University Board, one representative of the Academic Office nominated by the President, and two student representatives. The Deans and the representative of the Studies and Examination Committee have one vote. All other members of the Examination Regulation Conference have an advisory vote. The chair of the Conference is elected by the University Senate from among all Deans of Modul University Vienna. The chair can invite informants with an advisory vote.

§3. The Examination Regulation Conference is convened by the chair and has a quorum if a minimum of two Deans and two other members are present. The Examination Regulation Conference passes its resolutions with a majority of the valid votes cast. Abstentions count as votes that have not been cast. In the event of a parity of votes, the chair casts the decisive vote.

§4. The chair of the Examination Regulation Conference must provide the minutes of the Conference to the University Senate and the University Board within four weeks.

## **Article XIII. Semester Conference**

§1. If stipulated by the study regulations, a Semester Conference is held for each degree study program at the end of every semester. If not stipulated by the study regulations, the functions of the Semester Conference are taken by the Dean.

§2. The Semester Conference is the body deciding on a student's termination of enrolment due to academic reasons (to be executed by the University Board).

§3. The members of the Semester Conference are the Dean, all members of the teaching staff for the respective semester and degree study program, one member of the Academic Office, and two student representatives. The Dean and each member of the teaching staff have one vote; the member of the Academic Office and the student representatives have an advisory function. The Dean may invite other faculty and staff with an advisory function.

§4. The Semester Conference is convened by the Dean and has a quorum if a minimum of three other members of the teaching staff are present. The Semester Conference passes its resolutions with a majority of the valid votes cast. Abstentions count as votes that have not been cast. In the event of a parity of votes, the Dean makes the decisive vote.

§5. Members of the Semester Conference must recuse themselves from matters that may involve a conflict of interest. All discussions within the Conference are to be treated as confidential.

§6. The chair of the respective Semester Conference must provide the decisions of the Conference to the University Board within one week.

#### **Article XIV. Admissions Committee**

§1. The University Board appoints an admissions committee for each individual degree study program.

§2. They are comprised of the Dean of the respective degree study program responsible for examining academic qualifications, as well as one representative of the administrative staff who is responsible for examining the formal criteria. A student representative with a consultative vote may be nominated by the Student Union to participate in the Admissions Committee. Decisions are made by simple majority. In the event of a tie, the University Board will decide whether to accept a candidate. All participants are subject to strict confidentiality.

§3. The function of the Admissions Committee is to assess the applications for admission to degree study programs at the University according to the stipulated academic and formal criteria.

§4. If necessary, a ranking system with waiting lists will be applied.

§5. There is no right of appeal against the decisions made by the Admissions Committee.

§6. The President is responsible for the formal admission of students.

§7. Applicants who feel they have been discriminated against during the application process may inform and lodge a complaint with the Inclusion, Diversity and Equity Committee.

§8. Rules of procedure for the admissions committee are published by the University Board.

## **Article XV. Inclusion, Diversity and Equity Committee**

§1. The Inclusion, Diversity and Equity Committee consists of five staff members, of whom at least two must be women, elected by the University Senate for a period of two years. In matters pertaining to the student body of the university, the committee may invite two representatives of the Union of Students at the University (MU ÖH) to aid in such matters. The Committee may decide on additional guests with an advisory vote. The Inclusion, Diversity and Equity Committee elects one of its members as its chair (known as the Diversity Manager) by a simple majority. The chair then acts as the coordinator of its actions and as the primary contact person of the committee for people and bodies outside the university. Additionally, the committee appoints a Special Needs Coordinator who serves as the primary contact person for issues concerning disability. The Special Needs Coordinator is elected by a simple majority.

§2. The Inclusion, Diversity and Equity Committee proposes to the University Senate an Affirmative Action Plan and monitors the plan's compliance after its approval.

§3. The guidelines about the procedure for students with special needs are proposed to the University Senate by the Inclusion, Diversity and Equity Committee and the Committee additionally implements the guidelines approved by the University Senate.

§4. The chair of the Inclusion, Diversity and Equity Committee provides a summary of the activities once per academic year to the University Board and University Senate in compliance with the confidentiality obligations.

## **Article XVI. Institutional Review Board**

§1. The Institutional Review Board (IRB) is the independent ethics committee by the University to protect and ensure the rights of human subjects who participate in research conducted at Modul University Vienna and its subsidiaries. The IRB facilitates this objective by reviewing and/or modifying and ultimately approving or rejecting the data collection procedures and instruments submitted by researchers, lecturers, and students. No data collection from human subjects shall take place before gaining approval from the IRB, which is based on compliance with relevant Austrian and EU laws and regulations as well as the Belmont Report for international purposes.

§2. The IRB consists of three faculty members including at least one Full or Associate Professor that are elected by the University Senate for a period of three years.

§3. The IRB is convened by the chair and has a quorum if a minimum of two members are present. The IRB passes its resolutions on the quality assessment criteria with a majority of the valid votes cast. Abstentions count as votes that have not been cast. In the event of a parity of votes, the chair casts the decisive vote.

§4. The chair of the IRB provides a summary of the activities once per academic year to the University Senate and the University Board.

## **Article XVII. Open Office**

§1. The purpose of the Open Office is to enhance the academic experience of all students by offering academic mentoring, a process which falls under the responsibility of the Deans. The Open Office consists of three Academic Mentors, who are appointed unanimously by the Deans from among the faculty. The representation of different genders in the Open Office must be ensured.

§2. The role of the Open Office is to support and advise students during their time at MU. Students may approach Open Office mentors with questions and concerns related to their studies and/or personal issues. Academic Mentors are key stakeholders in the Special Needs Process hosted by the Inclusion, Diversity and Equity Committee. Academic Mentors offer their mentoring to low performing students when identified by the Dean and can act as informants in the Semester Conference if their mentees allow them to share relevant information with the Semester Conference. The Open Office can publish further details of their activities in the Quality Management Handbook of the University.

§3. The chair of the Open Office provides a summary of the activities once per semester to the Deans and the University Board in compliance with the confidentiality obligations.

## **Article XVIII. Procedures for Appointing Staff**

§1. Each new position at the University is to be publicly advertised by the University Board, within Austria and abroad. Exceptions are possible for temporary positions when the cumulative period of work does not exceed six months, for marginal employments according to §5 (2) ASVG (Labor Social Security Act Austria), and for exceptions stipulated in the University Constitution.

§2. Every job call must be reviewed by the Inclusion, Diversity and Equity Committee prior to being published. The period during which a position is to be advertised must be at least three weeks for academic positions and one week for administrative positions.

§3. For University Lecturers, Senior Lecturers, and Assistant Professors, the Head of School in question will prepare the text for advertising the post (advertising text, media and period during which the post is to be advertised, statement of the Inclusion, Diversity and Equity Committee) and a report including a justified recommendation to the President regarding appointment. For Junior Faculty (Researchers and Lecturers), the Dean of the PhD program will assume these tasks in collaboration with the Head of the respective School. For third-party funded Researchers, the respective Director of Research Center or project leader will assume these tasks.

§4. Employment contracts are concluded as defined in Article IV § 5 (4) and §6.

§5. Full and Associate Professors are appointed upon the proposal of an independent Appointments Committee.

§6. Each Appointments Committee consists of three Full Professors, one Associate Professor, one member of the other faculty, and one student representative. In the Appointments Committee there shall be proven expertise in the scientific field specified in the call. If there is insufficient expertise within the University, Full and Associate Professors from other universities must be invited.

§7. The President nominates and the University Senate elects the professor representatives, the representative of the other faculty, as well as the chairperson of the Appointments Committee. The President must submit an alternative proposal as soon as possible but no later than fourteen days, if the Appointments Committee is not elected by the University Senate. The new proposal by the President cannot be rejected by the Senate.

§8. Student members are nominated by University's representatives of the Austrian National Union of Students (ÖH).

§9. At the first meeting, the committee members may elect a different chair from among the Full and Associate Professors.

§10. The Appointment Committee's administrative work is organized and supported by a person of the University's human resources department appointed by the President.

§11. The committee is convened by its chairperson. The invitation must be sent in writing to the other members at least one week in advance.

§12. Each member of the committee is entitled to one vote. The committee has a quorum if at least two-thirds of its members are present when the resolution is put to a vote. The committee passes its resolutions with a simple majority of the votes of the members present when the resolution is voted on. Voting is done via a ballot. Abstentions do not count.

§13. The committee prepares the text of the job announcement based on a proposal by the University Board. Each job announcement must be checked and approved for non-discrimination by the Inclusion, Diversity and Equity Committee. The job announcement must be for a specific position and must include an application deadline.

§14. The members of the Appointments Committee assess the suitability of the applicants for the advertised post of Full or Associate Professor and prepare a short list of candidates. In particular, they must judge whether applicants possess the high level of academic and professional qualifications required for the advertised post (e.g. habilitation or equivalent proof).

§15. The Appointments Committee decides on the short list of candidates based on the application material and on the opinions and experience of its members.

§16. Three external assessors must be commissioned by the committee to evaluate the applicants on the short list. The external assessors evaluate the research and scholarly performance and, in particular, their qualification as Associate or Full Professors in a written report. Additional internal or external assessors may be invited by the committee to assess other areas of activities.

§17. The President must be informed about the shortlist before the committee forwards the applications to the reviewers. If an applicant does not meet the criteria specified in the job advertisement, the President must notify the Appointment Committee.

§18. The President must give all suitable candidates the opportunity to present themselves in an appropriate manner to all employees.

§19. Based on the applications, assessor reports, presentations, and opinions, the Appointment Committee prepares a justified appointment proposal containing a ranking of the three applicants who are deemed most suitable for the post. Special reasons must be stated for a proposal containing fewer or more than three candidates.

§20. The President selects from the appointment proposal and appoints the successful candidate.

§21. If there is evidence that the procedure was severely violated, the President can reject a proposal and request a revision or terminate the process. The President may also decide to relaunch or terminate the process if the proposal does not include any suitable candidates.

§22. Upon signing their contract of employment with Modul University Vienna, the Full Professor or Associate Professor acquires the Modul University Vienna teaching license (*venia docendi*) for the subject for which they have been appointed. They are required to use the title 'Full Professor' or 'Associate Professor' with the suffix "at the private university."

§23. The Modul University Vienna teaching license (*venia docendi*) of a Full or Associate Professor expires when they do not execute teaching activities for more than five years without justification.

## **Article XIX. Habilitation and Promotion Committees**

§1. On application and following a habilitation guideline according to Art. III §12 (3), the President of Modul University Vienna can grant a Modul University Vienna teaching license (*venia docendi*) for an academic subject area proposed by the Habilitation Committee to members of the academic staff with a doctorate who are particularly distinguished in their field of research and teaching. The teaching license must fall within the scope of Modul University Vienna's areas of specialization or usefully complement the area. The granting of the teaching license is associated with the right to freely practice academic teaching at Modul University Vienna using its facilities, as well as to supervise and assess academic theses.

§2. Any member of the academic staff with the rank of Associate Professor whose high level of performance and contributions to the mission of the University can, upon application and following the promotion guideline according to Art. III §12 (3), be granted promotion to the title of Full Professor by the President of Modul University Vienna.

§3. The application for the granting of the teaching license or for being promoted to Full Professor is to be addressed to the President. The President must initiate the habilitation or promotion

committee and invites the University Senate to propose three Full Professors, one Associate Professor, and one Assistant Professor or Senior Lecturer for the committee. Up to two Full Professors may hold a position at a university other than Modul University Vienna. Student representatives are entitled to appoint one member.

§4. Upon the nomination by the University Senate, the President approves the habilitation or promotion committee and names its chairperson. The University Senate must submit an alternative proposal as soon as possible if the committee is not approved.

§5. The committee reaches its decision based on the reports and opinions outlined in the guidelines for habilitation and promotion committees, which are decided on by the University Senate. A minimum of three external assessors must be commissioned by the committee to evaluate, in a written report, the research and scholarly performance of the candidate. Additional internal or external assessors may be invited by the committee to assess other areas of activities.

§6. Each member of the committee is entitled to a vote. Student representatives can only vote on the teaching qualifications of the applicant. The committee has a quorum if at least two-thirds of its members are present when the resolution is put to a vote. The committee passes its resolutions by a simple majority of the votes of the members present when the resolution is voted on. Voting is done via a secret ballot. Abstentions do not count. In the event of a parity of votes, the resolution is rejected.

§7. The committee is convened by its chairperson. The invitation must be sent in writing to the other members. At least one week must elapse between the posting of the invitation and the date on which the constituent meeting of the committee is held.

§8. The committee submits their final report exclusively to the President. The final report contains a description of all key procedural steps, the reviewers' reports, the main feedback from the committee members, and the result of the vote. The chairperson of the committee conducts a final meeting with the candidate where they verbally inform the candidate of the result of the votes and summarize the main feedback from the committee members.

§9. The President decides on the approval of the teaching license or promotion in accordance with the recommendation of the habilitation or promotion committee. After reviewing the course of the procedure, the President informs the candidate in writing of the final result. There is no right of appeal against this decision. If the President determines that important principles of the procedure were infringed, the President can request the University Senate to propose another committee.

§10. The successful completion of the habilitation procedure entitles the applicant to use the professional title 'Associate Professor' so long as they remain employed by the University, thereafter 'Privatdozent'. The title 'Associate Professor' or 'Privatdozent' is to be used together with the suffix 'at the private university'. The granting of the Modul University Vienna teaching license (*venia docendi*) neither establishes an employment relationship nor alters any existing employment relationship with Modul University Vienna.

§11. The successful completion of the promotion procedure entitles the applicant to use the professional title of 'Full Professor' as long as they remain employed by the University. The title 'Full Professor' is to be used together with the suffix "at the private university." The right to use the title of Full Professor does not automatically alter an existing employment relationship with Modul University Vienna.

## **Article XX. Supervision and Assessment of Undergraduate and Postgraduate Theses**

§1. All academic staff and external lecturers may take on the supervision and assessment of bachelor and master theses. However, the supervision of a bachelor or master thesis by external lecturers or by academic staff without a doctorate requires the approval of the Dean in question.

§2. The supervision and assessment of a dissertation must be conducted by academic staff or external lecturers with habilitation or equivalent qualifications. The supervision of a dissertation by an external lecturer requires the consent of the respective Dean.

## **Article XXI. Issuance of Diplomas, Diploma Supplements, and Transcripts**

§1. All academic diplomas issued by Modul University Vienna must be signed by the President of Modul University Vienna and the Dean of the respective degree study program. All diploma supplements are signed by the Dean of the respective degree study program. Official copies and replacements are signed by respective officials at the time of issuance. All transcripts are signed by the President or by an administrative staff member appointed by the President and need to be archived by the University for a minimum of 80 years.

§2. Documents mentioned in §1 can also be signed digitally instead of wet ink signatures.

§3. The award notice of an academic diploma is to be revoked and withdrawn by the President if it subsequently emerges that the academic degree or the academic title has been obtained fraudulently, in particular through falsified certificates or by simulating academic or artistic achievements.

## **Article XXII. Continuing Education Programs**

§ 1. After consultation with the University Council, the University Board may decide on continuing education courses or continuing education study programs offered by Modul University Vienna or any of its affiliated companies. The basic aim of continuing education studies is to provide academically informed degree and non-degree education.

§ 2. Non-degree continuing education studies may be licensed by a national or international partner and offered in different languages. The responsibilities of the partner organization and Modul University Vienna or any of its affiliated companies will be outlined in a collaboration or service level agreement. The quality assurance of the teaching offered in non-degree continuing

education studies in collaboration with national or international partners must be under the supervision and control of Modul University Vienna.

§ 3. From among all faculty members of Modul University Vienna with a doctoral degree, the University Board appoints the Director of Continuing Education that directs all non-degree studies. The Director of Continuing Education may appoint a Program Director for each of the non-degree continuing education programs. All regulations related to non-degree continuing education studies require approval by the University Board.

§ 4. The regulations of non-degree continuing education courses or programs must be published on the website of Modul University Vienna. The admissions criteria for non-degree continuing education courses or programs may include the recognition of professional experiences and/or prior learning skills.

§ 5. Offering a course or portion of an accredited degree program as a continuing education course or study program requires approval by the respective Dean.

§ 6. When a non-degree course or study program is offered as a foundation for a degree program, then the course or program must be proposed by the respective Degree Study Program Conference and approved by the University Senate and the University Board.

§ 7. Students successfully completing continuing education study programs with at least 30 ECTS can receive a diploma conferring the title 'Certificate of Advanced Studies (CAS)'. All diplomas of continuing education can be affiliated with a content characteristic name as a suffix. All non-degree continuing education diplomas must be signed by the Director of Continuing Education.

§ 8. Based on the decision of the respective Dean, credits earned during non-degree continuing education studies can be transferred to a degree study program offered by Modul University Vienna.

§ 9. Following §10b PrivHG continuing education programs can be degree programs. Students successfully completing continuing education study programs with at least 180 ECTS at a similar qualification level as undergraduate degree study programs, can receive a diploma conferring the titles "Bachelor of Arts (Continuing Education)", short "BA (CE)", "Bachelor of Science (Continuing Education)", short "BSc (CE)", or "Bachelor Professional", short "BPr". Students successfully completing continuing education study programs with at least 120 ECTS at a similar qualification level as graduate degree study programs, can receive a diploma conferring the titles "Master of Arts (Continuing Education)", short "MA (CE)", "Master of Science (Continuing Education)", short "MSc (CE)", or "Master Professional", short "MPr". Continuing education master study programs in the field of "Business Administration" shall be awarded the academic degree of "Master of Business Administration", short "MBA" or the degree of "Executive Master of Business Administration", short "EMBA", provided that the scope and requirements are demonstrably comparable to the scope and requirements of several foreign master programs in the subject in question. All continuing education study programs which lead to a degree are

subject to the same MU quality requirements and rules as degree study programs. They are in the discretion of the respective Dean, must be proposed by the respective Degree Study Program Conference and approved by the University Senate and the University Board.

### **Article XXIII. Policy on Honorary Awards**

§1. With the consent of the University Senate and after consultation with the University Council, the University Board may confer honorary awards and titles.

- (1) The University may confer the degree of honorary doctor (Doktor honoris causa, Dr h.c.) upon people who have made an outstanding contribution through scholarly achievements, who have contributed in a significant way to disciplines of interest to Modul University Vienna, and who, through their work, have a relationship to Modul University Vienna. The honorary doctor title will be awarded in an area relevant to Modul University Vienna's academic disciplines.
- (2) The University may confer the title of honorary senator upon people who have earned recognition through special measures to Modul University Vienna and by aiding in the development of their scientific field. This title, apart from purely scholarly honors, is the highest award conferred by Modul University Vienna. Honorees must be resolute in their extraordinary and long-term commitment to the academic and cultural mission of Modul University Vienna.
- (3) The University may confer the title of honorary citizen upon people who have performed acts of exceptional merit in contributing to the development of Modul University Vienna.
- (4) The University may confer an honorary university ring upon people who have either made a significant academic contribution to any of Modul University Vienna's disciplines or who have achieved merit in respect to the development of Modul University Vienna. The honorary university ring may only be awarded once a year and can be awarded to representatives of companies.
- (5) The University may re-confer an academic title upon people, especially on the occasion of the 50th anniversary of the day the title was first awarded, who have earned this recognition through outstanding scholarly achievements or through a special relationship to their alma mater - Modul University Vienna.

§2. Applications to confer an honor, in accordance with these guidelines, must be submitted in writing to the University Board. Members of the University Council, the University Board, as well as the Heads of Schools at Modul University Vienna are eligible to apply.

§3. The honorees listed in §1 lit. 1-4 are entitled to use the title conferred upon them in their daily business and professional lives. To keep a record of names, titles, dates, and the duration of the honors, a book of honors will be maintained by the office of the President of Modul University Vienna.

§4. The re-conferring of an academic title, as well as the conferring of an honorary doctorate, honorary senator, honorary citizen title, or the honorary university ring will be performed during

an academic ceremony. The honoree will receive a diploma signed by the President and stamped with the official seal of Modul University Vienna.

§5. With a two-thirds majority vote, the University Senate may recall the University Board's decision to confer an honorary title on an honoree that proves unworthy of the honor. The title will be revoked, and the registration in the book of honors will be deleted.

§6. Provisions will be made in the Modul University Vienna budget to cover the costs of bestowing honorary titles as proposed in §1.

## **Article XXIV. Guidelines for Dedications**

§1. After consultation with the University Senate and the University Council, the University Board may make a dedication in a person's honor.

- (1) The University may place honorary plaques in bronze, silver, or gold in honor of natural people or legal personalities who have contributed to Modul University Vienna, its organizational units, its students via material support, or who have performed great acts of service to the University.
- (2) The University may dedicate buildings, as well as rooms (e.g., lecture halls and seminar rooms). The dedication may make use of the name of a living or deceased natural person, or legal personality, or the name may include words that describe a specific event.
- (3) The University may dedicate buildings and establish monuments in honor of deceased persons who worked at Modul University Vienna, and whose reputation for outstanding scholarly achievements continues to be celebrated. Monuments in honor of living people are not permitted. The earliest a monument can be erected is five years after the person's death. Plaques honoring specific groups of people or functionaries of Modul University Vienna or recognizing a specific event in the history of the University are not considered monuments.
- (4) The University may dedicate a memorial for students and employees who die while completing their studies or while employed at Modul University Vienna.

§2. Applications for dedications as laid out in the guidelines must be submitted in writing to the University Board. Members of the University Council, the University Board, as well as the Heads of School of Modul University Vienna are eligible to apply.

§3. Provisions may be made in the budget of Modul University Vienna to cover the costs of bestowing honorary dedications as proposed in §1 lit. 1-4. In order to cover the costs incurred (in particular those stemming from lit. 3), the applicant should submit a financing proposal.

## **Article XXV. Practical Considerations**

§1. Whenever this constitution refers to written form documents (invitations, agenda, notifications, requests, etc.), communication sent via email to the official Modul University Vienna (internals) or other corporate (externals) email addresses of the recipients are

considered to satisfy the written form requirements. For the avoidance of doubt, the primary channel for written communication is email.

§2. Whenever a body of Modul University is invited to consult, submit observations, comments, or provide feedback under this constitution, then in urgent cases, the requesting body may set a deadline of not less than four weeks from the delivery date of a written request. The request shall be addressed to the chairperson of the relevant body. In case no reply is submitted, then the involvement / consultation requirement is considered fulfilled.

§3. When this constitution obtains validity, all officers and governing bodies established under the previous constitution remain in office until their term expires. When the term of the University President who is in office when this constitution obtains validity expires, the terms of all Vice-Presidents expire as well. Vacancies arising as a consequence of constitution amendments have to be filled according to the rules applicable under the amended constitution.

*Accredited by the Austrian Accreditation Council on July 12, 2007 and, after consultation with the University Senate, amended by the University Council on October 22, 2007, on February 27, 2009, on February 1, 2011, on July 10, 2012, on January 31, 2013, on February 2, 2015, on May 18, 2015, on September 16, 2020, on January 31, 2022, on March 20, 2023, and on December 1, 2025.*