



Agency for
Quality Assurance
and Accreditation
Austria

Rules of Procedure of the General Meeting and the Governing Com- mittee of the Agency for Quality Assurance and Accreditation Austria

RoP GM and Governing Committee

adopted at its 1st meeting on 7 November 2011,
amendments on 25 November 2011 and 21 May 2012,
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Rules of Procedure of the General Meeting and the Governing Committee of the Agency for Quality Assurance and Accreditation Austria

(RoP GM and Governing Committee)

Article 1 General Meeting

(1)

The General Meeting (GM) is constituted in accordance with § 11 of the Act on Quality Assurance in Higher Education (Hochschul-Qualitätssicherungsgesetz, HS-QSG). Pursuant to § 11 para. 4 HS-QSG, the term of office for its members is five years, and reappointments are permissible.

(2)

The members are nominated by the institutions specified in § 11 para. 1 HS-QSG and appointed by the competent Federal Minister of Education, Science and Research. A nomination shall be made at the latest one month prior to the expiration of the concerned member's term of office; if a member is recalled prematurely, at the latest one month after announcing the recall.

(3)

Regard shall be given to a balanced representation of the sexes in the composition of the GM and be taken into account when nominating candidates (§ 4 para. 2 HS-QSG).

(4)

If a member of the GM has grossly violated or neglected his/her duties or if he/she is no longer able to fulfil his/her duties, this shall be determined by the GM by resolution. In that case, the competent Federal Minister shall recall the member prior to the expiry of the term of office upon the GM's motion or after hearing the GM's opinion, pursuant to § 11 para. 5 HS-QSG.

Article 2 Governing Committee

(1)

Pursuant to § 5 HS-QSG, the Governing Committee consists of five members who shall – pursuant to § 12 HS-QSG – be elected from amongst the members of the GM (cf. Article 8 of the Rules of Procedure).

(2)

Regard shall be given to a balanced representation of the sexes in the composition of the Governing Committee and be taken into account when nominating candidates (§ 4 para. 2 HS-QSG).

(3)

If a member of the Governing Committee has grossly violated or neglected his/her duties or if he/she is no longer able to fulfil his/her duties, this shall be determined by the GM by resolution. In that case, the Chair of the GM will remove the member from office prematurely upon the GM's motion.

Article 3 Chair of the General Meeting and the Governing Committee and election of chairpersons

(1)

Pursuant to § 12 para. 3 HS-QSG, the GM shall elect a Chair and a Vice-Chair from amongst its members.

(2)

To this end, each member of the GM can nominate other persons or him-/herself for the position of Chair. Unless a member demands a secret ballot, the voting shall take place by open ballot. The election shall be decided by a simple majority of the valid votes cast. An online voting system which ensures the anonymity and single vote of all members may be used if the use is supported by all members of the GM.

(3)

The Chair or – in case of his/her unavailability – the Vice-Chair shall preside over the GM, represent it both internally and externally and ensure the execution of decisions.

(4)

Pursuant to § 5 para. 3 HS-QSG, the members of the Governing Committee shall elect a Chair. Like the GM, they shall elect a Chair and a Vice-Chair according to the applicable procedure.

(5)

The Chair or – in case of his/her unavailability – the Vice-Chair shall preside over the Governing Committee, represent it both internally and externally and ensure the execution of decisions.

Article 4 Meetings of the General Meeting and the Governing Committee

(1)

Meetings of the GM and the Governing Committee shall take place whenever required, but at least twice a year. The General Committee and the GM may provide for the possibility of virtual meetings, using technical means of communication (such as video conferencing).

(2)

The meetings of the Governing Committee shall be prepared and convened by the Chair. All members shall be invited to the meetings at least two weeks in advance in writing by e-mail (sent to the e-mail address provided to the Chair by the member), with a preliminary agenda being attached.

(3)

Pursuant to § 5 para. 2 subpara. 3 HS-QSG, the meetings of the GM shall be prepared and convened by the Governing Committee. All members shall be invited to the meetings at least two weeks in advance in writing by e-mail (sent to the e-mail address provided to the Chair by the member), with a preliminary agenda being attached.

(4)

Dates for the meetings of the Governing Committee and the GM shall be scheduled by the Governing Committee.

(5)

The meetings of the Governing Committee and the GM shall not be open to the public.

(6)

Valid decisions regarding the statutory tasks of the Governing Committee (cf. § 5 para. 2 HS-QSG) and/or the GM (cf. § 12 para. 1 HS-QSG) can only be passed if they were included in the preliminary agenda. Other motions regarding the agenda shall be filed with the Chair in writing by e-mail at least one week before the meeting of the Governing Committee and/or the GM. Any documents on which a resolution is to be passed shall be provided to the members no later than one week prior to the meeting.

(7)

Notwithstanding para. 6, emergency decisions shall be allowed with a two-thirds majority of the votes. Decisions on nominations must not be taken by way of emergency resolutions.

(8)

The Governing Committee shall have a quorum if at least three of its members are present in person. A member is allowed to transfer his/her right to vote to another member of the Governing Committee. Pursuant to § 12 para. 5 HS-QSG, the GM has a quorum if at least eight of its members are present in person. A member is allowed to transfer his/her right to vote to another member of the GM.

(9)

The Governing Committee and the GM shall take their decisions by a simple majority. Simple majority shall mean a quorum comprising more than 50% of the votes cast. In the event of an equality of votes, the Chair shall have the casting vote. Unless a member demands a secret ballot, the voting shall take place by open ballot. As regards the nomination of student representatives and experts with professional experience as members for the Board, the GM shall decide by a two-third majority pursuant to § 7 para. 2 HS-QSG. An online voting system which ensures the anonymity and single vote of all members may be used for the secret ballot if that decision is supported by all members of the GM.

(10)

The transfer of voting rights pursuant to para. 8 shall be made in writing, at best also by e-mail, to the Chair of the GM, or in case of meetings of the Governing Committee, to the Chair of the Governing Committee.

(11)

Representatives of the Board, the Managing Director as well as other representatives of the Secretariat can attend meetings of the Governing Committee and/or the GM upon invitation of the Chair of the Governing Committee and/or the GM. In addition, other informants or experts that have been invited can attend and provide advice.

(12)

Minutes on the outcome of the meetings of the Governing Committee and/or the GM shall be drawn up. If the Governing Committee and/or the GM so request, these minutes can be drawn up by an employee of the Secretariat. Pursuant to Article 4 para. 6, the minutes shall be presented to the respective body for approval in its next meeting. Each member of the GM and/or the Governing Committee has the right to request that separate minutes be taken of the vote on a certain topic.

(13)

Meetings of the GM and/or the Governing Committee shall be chaired by the respective Chair, and in case of his/her unavailability, by his/her deputy. If the Vice-Chair is also unavailable, the oldest member of the GM or the Governing Committee in terms of age present shall take the chair.

Article 5 Resolutions outside of meetings

(I)

Decisions on individual matters may also be taken in a written form, unless a member of the Governing Committee or the GM opposes such procedure. At least one week's time shall be allowed for the vote. A results report shall be prepared immediately after the decision was taken in a written form.

(2)

Nominations and elections within the meaning of Article 7 para. 2 subparas. 1 and 2 cannot be decisions in a written form.

Article 6 Reporting

(1)

Resolutions of the Governing Committee shall be reported to the GM, the Board and – if so required by law – to the competent Federal Minister by the Chair or, if he/she is unavailable, by his/her deputy or a person authorised by him/her in an appropriate manner.

(2)

Resolutions of the GM shall be reported to the Board and – if so required by law – to the competent Federal Minister by the Chair or, if he/she is unavailable, by his/her deputy or a person authorised by him/her in an appropriate manner.

Article 7 Responsibilities

(1)

Pursuant to § 5 para. 2 HS-QSG, the responsibilities of the Governing Committee include

1. statements
 - a. on the regulations, standards, and processes of the quality assurance procedures;
 - b. on the financial plan and financial statements;
 - c. on the activity report;
 - d. on the Rules of Procedure of the GM;
 - e. on advertising the position of and employment of the Managing Director and his/her deputy;
2. submitting a proposal to the competent Federal Minister for the appointment of a registered auditor pursuant to § 16 HS-QSG;
3. preparing and convening the meetings of the GM and reporting to the GM.

(2)

Pursuant to § 12 para. 1 HS-QSG, the responsibilities of the GM include

1. the election of the Governing Committee members pursuant to § 5 para. 1 HS-QSG;
2. the nomination of Board members pursuant to § 7 para. 2 HS-QSG and the nomination of the three members as well as two substitute members of the Appeals Committee pursuant to § 13 para. 3 HS-QSG;
3. the acknowledgement of the financial plan, financial statements and the activity report as well as the statement on the Rules of Procedure of the Board.

Article 8 Appointment of Governing Committee members

(1)

Pursuant to § 5 para. 1 HS-QSG, the members of the Governing Committee shall be elected from the members of the GM. Nominations may be made by all members of the GM. The provisions of Article 4 para. 9 shall apply to the election.

(2)

The term of office for members of the Governing Committee shall be five years, and members can be re-appointed.

(3)

If a member of the Governing Committee resigns before the term of office has expired, a new member shall be elected for the remaining term of office.

Article 9 Nomination of Board members

(1)

Pursuant to § 6 para. 2 HS-QSG, members of the Board shall not be members of the Federal Government or any provincial government, State Secretaries, members of the National Council, the Federal Council or any other general representative body and officials of a political party or an institution represented in the GM, and shall not have been in such a position in the past four years. Employees who are in an active employment status to the Federal Ministries competent for higher education institutions, to the Cabinet of a minister or to the office of a State Secretary or another body of the Federal Government or one of the provinces as listed in § 5, 6 or 8 para. 1 of the Remuneration Act (Bezügegesetz), F. L. G. No. 273/1972, shall also be excluded from Board membership.

(2)

Regard shall be given to a balanced representation of the sexes in the composition of the Board and be taken into account when nominating candidates (§ 4 para. 2 HS-QSG).

(3)

Pursuant to § 7 para. 3 HS-QSG, the term of office for members of the Board is five years, and members can be re-appointed once.

(4)

Pursuant to § 6 para. 1 subpara. 1 HS-QSG, four of the nominees shall have expertise in the field of higher education, academic or scientific-artistic qualifications and experience in the field of quality assurance. They also must represent different higher education sectors. At least half of the members shall come from abroad and shall have gained relevant multi-year professional experience abroad.

(5)

Pursuant to § 6 para. 1 subpara. 2 HS-QSG, two of the nominees shall be student representatives. One of them shall come from abroad.

(6)

Pursuant to § 6 para. 1 subpara. 3 HS-QSG, four of the nominees shall be practitioners. They shall be familiar with the national or international higher education sector and have experience in professional fields relevant for higher education institutions. Furthermore, they shall possess sound judgement in matters related to quality assurance, and shall be able to contribute to the fulfilment of the tasks of the Agency because of their profound knowledge and experience.

(7)

Nominations may be made by all members of the GM. The provisions of Article 4 para. 9 shall apply to the voting procedure.

Article 10 Appointment of Appeals Committee members

(1)

Pursuant to § 13 para. 2 HS-QSG, the Appeals Committee shall consist of two Austrian members and one foreign member, all with expertise in the field of quality assurance in higher education and possessing legal qualifications. In addition, it shall consist of two substitute members, one of which shall be appointed from abroad and one from Austria.

(2)

Regard shall be given to a balanced representation of the sexes in the composition of the Appeals Committee and be taken into account when nominating candidates (§ 4 para. 2 HS-QSG).

(3)

Pursuant to § 13 para. 4 HS-QSG, the members of the Appeals Committee must not belong to any other body of the Agency. In exercising their functions they are not bound by any instructions.

(4)

Pursuant to § 13 para. 5 HS-QSG, the term of office for members of the Appeals Committee is three years, and reappointments are permissible.

(5)

Nominations may be made by all members of the GM. The provisions of Article 4 para. 9 shall apply to the voting procedure.

Article 11 Amendments of the Rules of Procedure

Amendments require a two-third majority of the votes cast in the GM.

