



**University of  
Applied Sciences  
St. Pölten**

# **Statute of the University of Applied Sciences St. Pölten**

Part 01 – Organisation

Electoral Regulations of the Board

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## I. Scope of Application

- § 1.** (1) This document is an integral component of the Statute of the University of Applied Sciences St. Pölten (USTP) and shall be adopted by mutual agreement of the USTP Board and the Provider (see § 10 FHG<sup>1</sup>).
- (2) The Statute applies to all study programmes and continuing education programmes of the USTP accredited in Austria and forms the basis for the educational relationship between the students and the Provider (USTP).

## II. Election of USTP Board Members

### 2.1. General Information

- § 2.** (1) The USTP Board elections are to be held every three years, separately for every group, and based on the principles of equal, personal and secret balloting. The elections are to take place at such a time that the newly elected Board can be constituted before the end of term of the preceding Board.
- (2) The Board's term of office is three years and starts with the constituent assembly of the elected Board, or with the end previous Board's term of activity if the constituent meeting is held prior to this date.
- (3) Re-election is possible without limitation.

### 2.2. Active and Passive Right to Vote

#### 2.2.1. Group of Academic Directors

- § 3.** (1) The active right to vote for the group of Academic Directors is held by every Academic Director who has an active employment relationship with the USTP at the relevant date. Every Academic Director can cast a maximum of six votes.
- (2) The passive right to vote for the group of Academic Directors is held by every Academic Director who has an active employment relationship as such with the USTP at the relevant date, provided that this employment contract has been unbroken for six months prior to this date.

#### 2.2.2. Group of Full-Time Teaching and Research Staff

- § 4.** (1) The active right to vote for the group of full-time teaching and research staff is held by every member of the full-time teaching and research staff who has an active employment relationship as such with the USTP at the relevant date.
- (2) The passive right to vote for the group of full-time teaching and research staff is held by every member of the full-time teaching and research staff who has an active employment relationship as such with the USTP at the relevant date, provided that this employment contract has been unbroken for six months prior to this date.

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<sup>1</sup> University of Applied Sciences Act, orig. version Federal Law Gazette 340/1993 as amended in Federal Law Gazette I 177/2021

### **2.2.3. Group of Part-Time Teaching Staff**

- § 5.** (1) The active right to vote for the group of part-time teaching staff is held by every member of the part-time teaching staff who has an active employment relationship as such with the USTP at the relevant date.
- (2) The passive right to vote for the group of part-time teaching staff is held by every member of the part-time teaching staff who fulfils/fulfilled a teaching obligation of at least one offered semester period per week (ASWS) in the current semester or the semester preceding the election.

### **2.2.4. Group of Students**

**§ 6.** The representatives of the students are selected by the USTP representation. In case these representatives drop out permanently, at least three substitute mandataries have to be selected. The body authorised to represent the Students' Union at the USTP announces the selected members to the Chairperson of the USTP Board in writing (by email).

## **2.3. Election Administration**

**§ 7.** The organisational units of the USTP are to support the Electoral Commission in the preparation and implementation of the elections.

## **2.4. Electoral Commission**

- § 8.** (1) For the preparation and holding of the elections of the Board, an Electoral Commission consisting of five persons (teaching and research staff as well as administrative staff<sup>2</sup>) is established which elects the Chairperson of the Board and the Vice Chairperson from its midst. Members of the Electoral Commission are to be in an employment relationship with the USTP and are not bound by any instructions in carrying out this function.
- (2) Their task is to hold elections for full-time teaching and research staff, part-time teaching staff as well as Academic Directors in accordance with the election principles and the keeping of minutes of the electoral process.
- (3) Each of these groups of persons (according to subsection (2)) sends one person to take part in the Electoral Commission as a representative. These members of the Electoral Commission may only belong to those groups of persons who are not up for election.
- (4) Additionally, the Board appoints two more persons from the field of USTP units to the Electoral Commission.

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<sup>2</sup> The departments may delegate members of the teaching and research staff or the administrative staff to represent these groups of persons.

- (5) The sending or appointment of members of the Electoral Commission is to take place in due time before the election of the next Board. The term of office of the Electoral Commission members ends with the establishment of the respective newly appointed Electoral Commission.
- (6) The chairperson of the Electoral Commission is to immediately convene the Electoral Commission via email after receiving knowledge of any circumstances which may require a decision. The convocation of a meeting of the Electoral Commission may already take place in a previous meeting. Members who are not present at the time are to be informed about the convocation immediately.
- (7) The Electoral Commission has a quorum when three members are present. Decisions of the Electoral Commission are passed by a majority of votes. A transfer of votes is not permissible.
- (8) In particular, the tasks of the Electoral Commission are:
  1. A timely announcement before expiration of the term of office, scheduling of day(s), place(s) and time(s) of the election, preparation and holding of the election according to the electoral rules
  2. The review and publication of the voting register of the respective group
  3. The acceptance and review for lawfulness of the candidates
  4. The withholding of candidacies to improve deficiencies
  5. The decision regarding registration (or non-registration) in the electoral roll as active or passive voters
  6. The preparation of the ballot
  7. The holding of the election and keeping of minutes at the election
  8. The counting of votes
  9. The determination of the election result
  10. The election result is to be published by the chairperson of the Electoral Commission immediately after the end of all ballots and the counting of votes through notices at all locations and on the intranet (teamwork)
  11. The storage and record-keeping of all election documents until the end of the Board's term of office.

## **2.5. Electoral Roll**

- § 9.** (1) For the generation of the electoral roll, the reference date is essential.
- (2) The service unit responsible for human resources and legal affairs of the USTP is to provide an electoral roll of registered voters by order of the chairperson of the Electoral Commission by the reference date.
  - (3) The electoral roll is to be made available for access on six consecutive work days in all locations of the USTP, or alternatively via electronic media. Within this period, an appeal against the electoral roll can be filed via email. The final decision – which is to be made three work days after expiration of access – lies with the respective Electoral Commission. The (adjusted) electoral roll forms the basis of the implementation of the election.

## **2.6. Notice of Election, Election Days**

**§ 10.** (1) The announcement of the election is to be conducted by the Electoral Commission via email and notice at all locations of the USTP six weeks before the first day of the election the latest.

(2) The announcement is to include:

1. Time and place of the election
  2. The reference date regarding voter eligibility
  3. The period and the locations for access to the electoral roll and the appeal against the electoral roll
  4. The request that candidacies for the group of the teaching and research staff are to be made known in person and via email in due time before the election date, otherwise consideration is not possible.
  5. The regulation regarding the preparation of candidacies for the representatives to be elected that at least 45% women and
    - a) at least one representative of a lecturer per department;
    - b) at least one representative of a scientific staff member per department;
    - c) at least one representative of a part-time lecturer per department;
    - d) and at least two heads of institutes are to be included.
  6. Time and location for access to the list of candidacies from the group of Academic Directors or to the list of candidates from the group of research and teaching staff.
  7. The provisions that votes can only be cast for the nomination proposal of the respective relevant group, that a person can run as candidate for one group only (passive right to vote), and that the active right to vote can be exercised only within this group as well. If a person belongs to more than one group, the active and passive voting rights are to be exercised in the following order: a) Academic Directors; b) full-time teaching and research staff; c) part-time teaching staff; d) students.
- (3) Three election days are to be distributed over a week. The election time frames should include at least one morning, one afternoon and one slot around noon.

## **2.7. Reference Date**

**§ 11.** The deadline for the active and passive right to vote is the date of the public announcement of the election.

## **2.8. Candidacies**

**§ 12.** Persons who wish to run for USTP Board member have to submit their candidacy personally and in writing (email is sufficient) to the election commission no earlier than four weeks and no later than one week prior to the first election day.

**§ 13.** An Academic Director may refuse to stand as a candidate in the elections only in case she/he has sufficiently justified reasons. If fewer than six heads of USTP study programmes are available as candidates, their number has to be complemented by candidates from among the representatives of the

full-time teaching and research staff in accordance with Art. 10 (2) FHG. In this case, the representatives of the teaching and research staff will be elected by the members of this group.

## **2.9. Execution of Election**

**§ 14.** (1) The chairperson of the commission is to ensure proper implementation of the election.

(2) The election of the different groups is to be conducted in the same time period.

(3) Transfer of voting rights to another person is not permissible.

## **2.10. Poll Site**

**§ 15.** The election is to be established in an accessible and barrier-free manner. The Provider is to provide suitable polling stations for the implementation of the election.

## **2.11. Election Ballot and Vote**

**§ 16.** (1) Each and every voter is to identify herself/himself by showing her/his Campus Card, ID, passport or driver's licence. A member of the Electoral Commission must check what type of voter eligibility applies. If she/he is registered in an electoral roll and there is no note that the respective voting right has already been exercised, a member of the Electoral Commission is to present the voter with a blank ballot and the electoral envelope.

(2) The vote is only valid if the electoral ballot provided by the Electoral Commission for the individual groups has been used.

(3) The ballot is valid when it clearly states the voter's choice.

(4) If the voter has made a mistake when completing the ballot, another ballot is to be handed out upon the respective voter's request. The voter is to render the first ballot unusable by tearing it apart in front of the commission and to take it with her/him due to confidentiality of the ballot.

(5) In any case, the handout of another ballot is to be recorded in the minutes of the election procedure.

## **2.12. Determination and Announcement of Election Results**

**§ 17.** (1) The election result is to be determined immediately after closing of the election polls and announced via electronic media (Teamwork, website).

(2) If the elected members of the Board or their deputies (all elected candidates according to Section 29) do not accept their election, they must prepare a written statement within three work days of the announcement.

(3) If a group of representatives of electoral delegates or nominees appointed to the Board does not fulfil this obligation in time, the Chairperson of the Board is to set an appropriate extension period for the respective group to elect, send and nominate a representative. If this period passes without

result, the Board is considered lawfully appointed even without representatives from this group of persons.

### **2.13. Appeal against and Cancellation of Elections**

**§ 18.** (1) From the day of the publication of the election result, the election may be challenged within five work days before the Electoral Commission. After expiry of this period, the result is valid.

(2) Objections regarding violations of the electoral regulations are to be raised via email.

(3) If an objection is directed against numeral errors or wrong calculations, the Electoral Commission is to examine the objection, rectify wrong results, revoke announcements already made and announce the rectified result.

(4) If the objection is directed against the violation of electoral regulations, a repetition request is to be included. If the objection is granted, the Electoral Commission is to determine whether the infringement of the procedure may have an influence on the result. If this is the case, the Electoral Commission is to suspend the election result and call new elections immediately.

(5) Objections have a suspensory effect in regards to the legal validity of the election until the Electoral Commission has reached a decision. The Electoral Commission is to reach a decision in the matter within 12 consecutive work days. If no decision can be reached by the Electoral Commission within 12 work days, the objection is considered successful.

### **2.14. Constituent Meeting**

**§ 19.** The constituent meeting should address the following matters in particular:

1. New election of the Chairperson of the Board and her/his Vice Chairperson
2. Composition of the working committees

### **2.15. eVoting**

**§ 20.** (1) The USTP Board election can also be carried out electronically (eVoting).

(2) In case of the election being carried out electronically, the Board is to determine further details by decision, especially the applied system. Compliance with the provisions of the electoral regulations as well as with the general data protection regulation is to be ensured. The applied system is to comply with the security requirements of qualified electronic signatures according to the Regulation (EU) no. 910/2014 regarding electronic identification and trust services for electronic transactions on the domestic market and correspond to the repeal of Directive 1999/93/EG, (OJ) no. L 257 from 28/08/2014 page 73, in the rectified version OJ no. L 257 from 29/01/2014 page 19 and/or the Certificate of Common Criteria for online elections issued by the German Federal Office for Information Security, and ensure that the duties of the Electoral Commission can be performed in the electronic election.

(3) The system applied in an electronic election should ensure the following:

1. The preservation of electoral secrecy through methods which ensure that the completed ballots are anonymised and not traceable when they are counted by the Electoral Commission. At no time may it be possible for the Electoral Commission or a third party to connect the identity of the voter with her/his voting behaviour.
2. The verification of the identity of the voter within the framework of the election prior to the transmission of the ballot to exclude voting of unauthorised persons and the submission of more than one vote by one person. It is only permissible to use such personal data necessary for carrying out the election.
3. The genuineness of the completed ballot by the use of secure electronic signatures and the confidentiality of election data during the transmission to the Electoral Commission by encrypting this data to ensure electoral secrecy.
4. Consideration of precipitation protection for the voter as is the case in traditional voting, and
5. The fulfilment of the requirements of the voting booths by the installed technical components for the casting of the vote and the obligation of the voter by the electoral regulations for unobserved and uninfluenced completion of the ballot.

(4) The fulfilment of the security requirements according to para. 2 and 3 is to be certified by a confirmation body (e.g., according to § 7 of the Signature and Trust Services Act (SVG), BGBl. I no. 50/2016 and/or a certificate according to Common Criteria for Online Elections issued by the Federal Office for Information Security (BSI)).

## **2.16. Ballot Cards and Postal Vote – Part-Time Teaching Staff**

**§ 21.** (1) In addition to the possibility of personal direct vote, eligible voters from the group of part-time teaching staff are entitled to the alternative option of sending a ballot card to the Electoral Commission subject to the following provisions (postal vote).

(2) If the election of the USTP Board is carried out via eVoting (see § 39), the postal vote option pursuant to subsection (1) is not applicable.

(3) Wherever possible, the provisions of the 1992 election regulations for the National Assembly (NRWO), Federal Law Gazette no. 471/1992, as amended, on the topic of postal vote (ballot cards) apply mutatis mutandis on a subsidiary basis.

(4) When it comes to the right to postal vote, the Electoral Commission is to issue a personalised ballot card for the respective voter either

1. upon request of the person entitled to vote, or
2. independently in case it has been informed of the reasons for carrying out the vote in this manner.

(5) The request for the issue of a ballot card is to be submitted to the chairperson of the Electoral Commission no later than by the end of the eight day prior to the first election day. The Electoral Commission is to decide about the received requests no later than on the seventh day prior to the first election day.

- (6) On behalf of the chairperson of the Electoral Commission, the USTP service unit responsible for Human Resources and Legal Affairs is to draw up a **register of the part-time teaching staff** listing the first and second names and the address of primary residence of the voters eligible for postal vote. Voters for whom a ballot card has been issued are to be marked with "Wahlkarte" (ballot card) or the abbreviation "WK" in this register.
- (7) On the sixth day prior to the first election day (at the latest), the Electoral Commission is to send the ballot card to the person entitled to postal vote by registered letter or to hand it over personally (including confirmation of receipt) in case the person is present at the USTP at this time.
- (8) The transmitted documents include:
1. a pre-franked, sealable **envelope** complete with the address of the Electoral Commission
  2. an empty **ballot envelope**
  3. a **ballot paper**.
- (9) The voter is to place the completed ballot in the ballot envelope, seal it and put it inside the outer envelope. On this envelope, she/he is to confirm by signature that she/he has completed the ballot in a personal, unobserved and uninfluenced manner. Subsequently, the envelope is to be sealed.
- (10) Neither the ballot card nor the ballot envelope can feature any writings or signs indicating the identity of the voter.
- (11) The voting documents are to be either
1. submitted to the Electoral Commission in such a way that they arrive no later than by the close of voting on the last election day, or
  2. submitted at a polling station during opening hours on one of the election days.
- (12) The chairperson of the Electoral Commission (or her/his vice chairperson) is to write the date and time of receipt on the incoming envelopes and to mark the receipt in the **register of the part-time teaching staff**.
- (13) The received envelopes are to be safely stored by the chairperson of the Electoral Commission (or her/his vice chairperson) until they are officially opened.
- (14) Only on the last election day after the end of voting, the Electoral Commission may begin counting the ballot cards. The commission is to
1. determine the number of returned envelopes,
  2. take the ballot envelopes out of the outer envelopes,
  3. place the sealed ballot envelopes into the ballot box with the personally submitted ballots, mixed them properly, count them all together, and determine the result.

### **III. Dropout from the USTP Board**

#### **3.1. Discontinuation of Membership**

#### **§ 22. USTP Board membership ends**

1. For members of the group of **Academic Directors** and the group of **full-time teaching and research staff**
  - a) If the employment relationship with the USTP ends.
  - b) If a member of the group of Academic Directors, the group of full-time teaching and research staff, or the group of part-time teaching staff switch to another group.
2. For members of the group of **part-time teaching staff**, if the required teaching obligation with a scope of at least one semester period per week every second semester is not fulfilled, in any case on the date of the beginning of the semester.
3. For members of the group of **students**, if the educational relationship with the USTP ends.
4. Or by **resignation**, which the Board member is to demonstrably declare to the Chairperson of the USTP Board (e.g., via email).

### **3.2. Alternate Members and By-Election**

- § 23.** (1) If a member of the Board leaves prematurely or is permanently indisposed, an alternate member moves up the list or is nominated for the rest of the term. This takes place according to the order of the achieved result of the respective group.
- (2) If the required number of members cannot be appointed even after the nomination of alternate members, by-elections are to take place according to these electoral regulations. The by-election is valid for the remainder of the term of office.
- (3) The by-election shall take place pursuant to the provisions of these Electoral Regulations, provided that a notice period of 3 weeks after the announcement of the election is observed prior to the first election day, that the period of access to the electoral roll is reduced to 3 days, and that the candidatures can be submitted within the period from the day the election is announced to 3 days before the first election day.
- (4) In the case of a tie, a second ballot is intended. In case of a tie in the second ballot, the members are appointed by draw.

## **IV. Election of the Chairperson of the USTP Board**

### **4.1. Election of the Chairperson and Vice Chairperson of the USTP Board**

- § 24.** (1) The election of the Chairperson and Vice Chairperson of the USTP Board based on a shortlist of three candidates by the Provider is the responsibility of the USTP Board.
- (2) With the consent of the Board, the shortlist can be reduced to two candidates.
- (3) The proposed persons must be full-time employees of the USTP.
- § 25.** (1) The election of the Chairperson and Vice Chairperson of the USTP Board as well as the appointment of a secretary take place within a reasonable period after the election of the ordinary members of the Board in two consecutive ballots at the Board's inaugural meeting. The electoral process is governed by the principles of equal, direct and secret ballot.

- (2) In order to hold the elections, the Board sets up an election body consisting of three Board members at the meeting during which the election takes place. The Board member who has been employed at the USTP for the longest time is responsible for the establishment of the election body.
- (3) In accordance with § 10 (3) No. 1 FHG, the Chairperson and Vice Chairperson of the Board are elected in the form of a secret election among the twelve elected and four appointed members of the USTP Board based on a shortlist of three or two candidates proposed by the Provider.
- (4) The person who wins more than half of the valid votes is appointed Chairperson of the USTP Board.
- (5) If the first ballot does not result in a majority in accordance with para. 4, there will be a run-off (para. 6) between the two candidates who received the highest number of votes in the first ballot. In the event of a tie, this is the prescribed procedure: if any two persons receive the same number of votes in the first ballot, there shall be an election by simple majority between these persons. In case this second ballot results in a tie as well, the decision will be taken by the drawing of lots. The election process is to be carried out in one single meeting.
- (6) A simple majority of votes is sufficient to decide a run-off between two persons (para. 5 No. 1). If the first ballot results in a tie, a second ballot has to be carried out in the form of a run-off. In case this second ballot leads to tie as well, the decision will be taken by the drawing of lots.
- (7) The Vice Chairperson of the Board is to be elected from among the candidates who have not been elected Chairperson. The person who wins a simple majority of the cast votes becomes Vice Chairperson of the USTP Board. If the first ballot does not lead to a decision, a second ballot has to be carried out. In case the second ballot does not lead to a result either, the election is to be decided by lot.
- (8) The remaining candidate is then available as a substitute member.
- (9) In principle, the elected persons are obliged to accept the position. However, if the elected person claims that she/he has personal reasons which make it seem unreasonable to accept the offered position, the USTP Board will consider the candidate's reasons and then come to a decision.
- (10) The election can be carried out only if at least two thirds of the Board's voting members are present at the election. If this quorum is not fulfilled, the person responsible for holding the elections immediately has to set a new date to carry out the election.
- (11) The shortlist of three or two persons is put to the vote under the leadership of the Board member with the longest USTP employment. The leader of the election body has the right to vote as well.
- (12) Persons other than those entitled to vote are not allowed to attend debates regarding the election and/or the Board meeting of the election itself.
- (13) Board members who run as candidates in the election must not be present in debates concerning the election.
- (14) In the election process, every voter receives a ballot, casts her/his vote in secret in the election booth and then places the paper in the ballot box.
- (15) The ballot must include the title "Election of the Chairperson of the USTP Board" for the election of the Chairperson, and "Election for the Vice Chairperson of the USTP Board" for the election of the Vice Chairperson as well as a list of the names of the 3 or 2 candidates in alphabetical order. The field which needs to be marked with a cross must be placed in front of the respective name.
- (16) Electronic and postal votes are inadmissible.

- (17) In case the Chairperson or the Vice Chairperson of the USTP Board resigns prematurely, a substitute moves up a rank to take over this position for the remainder of the Vice Chairperson's term of office. The ranking is based on the number of votes won in the election of the Vice Chairperson of the Board. If no substitute is available, the members have to take a vote. In case the position of substitute is vacant, the Provider has to propose a shortlist no later than one week before the next meeting of the USTP Board. In the following meeting, the Board carries out a vote according to the principles laid down in these electoral regulations.

#### **4.2. Re-Election**

- § 26.** (1) If the acting Chairperson of the Board and/or her/his Vice Chairperson express their interest in exercising their functions for another term, they may be appointed without an election if a two-thirds majority of the acting Board as well as the Provider are in favour of this decision (re-appointment). Repeated re-appointments are permissible.
- (2) The timing of the re-appointment is to be selected in such a way that in case the USTP Board or the Provider reject the re-appointment, the election of the new Chairperson of the Board (based on a shortlist of three or two candidates) and the Vice Chairperson can be carried out as laid down in § 28.

#### **4.3. Term of Office of the Chairperson and the Vice Chairperson**

- § 27.** (1) The Chairperson's term of office begins two weeks after the USTP Board's inaugural meeting and ends with the takeover of the newly elected Chairperson.
- (2) Re-election is possible without limitation.
- (3) In the event of a re-appointment, the new term of office of the Chairperson and/or Vice Chairperson of the USTP Board begins with the decision of the Board / the approval of the Provider, and ends with the takeover of the newly elected Chairperson.

#### **4.4. Appeal against the Election**

- § 28.** (1) Every person with active voting right can challenge the election of the Chairperson of the USTP Board in the course of the Board meeting during which the result is announced. A committee set up by the election body decides whether the appeal against the election is admissible.
- (2) If the appeal is permitted, the election body can either correct the election result in case the votes were counted incorrectly, or declare the vote invalid to the extent required and arrange for new elections. The new elections have to be carried out immediately and in accordance with these electoral regulations.