

University of Applied Sciences Kufstein Tirol Bildungs GmbH

# Statute of the University of Applied Sciences Kufstein Tirol

In accordance with the University of Applied Sciences Act (FHG) § 10 (3) (10)



## Chapter 3

### **Electoral Rules for the Faculty Council of the University of Applied Sciences Kufstein Tirol**

Agreed upon by the Faculty Council of the University of Applied Sciences Kufstein Tirol  
and the University Board on December 14, 2011

Effective as of December 14, 2011

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## Electoral Rules

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Electoral Rules for the election of the **candidates to the Faculty Council** of the University of Applied Sciences Kufstein Tirol and for the **election of the Chair and Vice Chair** of the Faculty Council of the University of Applied Sciences

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### Clause 1: Principles

The Faculty Council of the University of Applied Sciences Kufstein Tirol must perform all tasks provided for in the University of Applied Sciences Act (FHG) § 10 (3) and is composed of the following members of the FH Kufstein Tirol Bildungs GmbH:

- (1) 6 Directors of Studies (DoS cohort)
- (2) 6 Teaching and research staff representatives (TRS cohort)
- (3) 4 Students (Student Union cohort)
- (4) Chair and Vice Chair of the Faculty Council

These Electoral Rules govern the election of the DoS and TRS cohort, as well as the election of the Chair and Vice Chair of the Faculty Council. For the Student Union cohort, the Student Union itself is responsible for the selection of representatives and their posting to the Faculty Council of the University of Applied Sciences Kufstein Tirol.

The election of the members of the Faculty Council is held every 4 years in May of the respective election year. The election takes place according to the principles of the universal, personal, and free right to vote by secret ballot. The representatives are elected by majority vote.

### Clause 2: Electoral bodies, composition and responsibilities

- (1) Electoral bodies include the Election Officer, the Electoral Commission and an Arbitration Commission. The Election Officer may not be a member of the Electoral Commission or the Arbitration Commission. The Election Officer and a Deputy Election Officer must be appointed by the Executive Board of the FH Kufstein Tirol Bildungs GmbH (hereinafter referred to as "University"). The candidates may not be simultaneously a member of the Electoral Commission or the Arbitration Commission.
- (2) The Election Officer is responsible for the proper preparation and organization of the elections. He or she is responsible for the ballot papers and the ballot box.
- (3) The Electoral Commission consists of 3 members. The election procedure and its compliance are the responsibility of the Electoral Commission. The Election Officer is responsible for the constitution of the Electoral Commission, which consists of a member of the teaching and research staff, a student representative and another person from the administration. Members of the Electoral Commission representing teaching and research staff may not be listed as candidates. If members of the Electoral Commission are prevented from participating, an appropriate number of substitute members must be appointed. The Election Officer will announce the composition of the Electoral Commission at the latest together with the call for candidates in a generally and publicly accessible place on the premises of the University, or by making the call available via online media (e.g. via e-mail or the University's intranet). Either way, the announcement needs to be made available to the entire electorate, i.e. all persons with the right to vote in the election.

- (4) The Election Officer and the members and substitute members of the Electoral Commission are obliged to perform their duties impartially and conscientiously.
- (5) The Electoral Commission adopts its resolutions by majority vote. Members are not permitted to abstain from voting.
- (6) The Arbitration Commission consists of the President of the District Court of Kufstein (Chairman of the Arbitration Commission) and the Executive Board of FH Kufstein Tirol Bildungs GmbH.

### Clause 3: Eligibility to cast a ballot and to stand for office

The closing date for both the **right to cast a ballot** and the **right to stand for office** is the first day of the academic calendar of the summer semester of the election year.

- (1) Election of the representatives of the DoS cohort:
  1. **Right to cast a ballot:** All Directors of Studies of degree programs at the University of Applied Sciences Kufstein Tirol which are active at the time of the closing date.
  2. **Right to stand for office:** All Directors of Studies of degree programs at the University of Applied Sciences Kufstein Tirol which are active at the time of the closing date.
- (2) Election of the representatives of the TRS cohort:
  1. **Right to cast a ballot:** All persons who, on the closing day, are active members of either the full-time faculty (full-time lecturers and research assistants) or the part-time faculty of the University of Applied Sciences Kufstein Tirol. 'Active' for both these groups requires that the person in question has been assigned and has taught (or will teach) a course either in one of the regular degree programs or in the International Program of the University in the given academic year, and that this course has a scope of at least one semester hour (1 SWS).
  2. **Right to stand for office:** All members of the full-time faculty who have the right to cast a ballot can also stand for office. In the case of the part-time faculty, the right to stand for office only extends to persons who, in the given academic year, have been assigned and have taught (or will teach) course(s) either in one of the regular degree programs or in the International Program of the University that in sum amount to at least three semester hours (3 SWS).
  3. Notwithstanding the definitions of (1) and (2) above, Directors of Studies are not entitled to either cast ballots or stand for office within the TRS cohort.
- (3) Election of the Chair and Vice Chair of the Faculty Council:
  1. In accordance with § 10 (2) University of Applied Sciences Act (FHG), all members of the newly elected Faculty Council are entitled to cast a ballot in the election of the Chair and Vice Chair of the Faculty Council. Each member of the Faculty Council has one vote. A vote transfer is not possible.
  2. The three candidates who can be elected to these offices is proposed by the course-providing body. With the consent of the Faculty Council, the proposed list of candidates standing for Chair and Vice Chair can be reduced to two candidates. Such consent must be obtained by a resolution with more than half the votes of the Faculty Council members in favor. If no consent has been given to accept a proposal of two candidates, a proposal of three candidates must be submitted by the course-providing body.

## Clause 4: Election procedure

- (1) A public announcement of the election will be made at least 3 weeks before the first day of the election at a generally and publicly accessible place on the premises of the University, as well as by email to the electorate.
- (2) The public announcement of the election must include the following:
  - (a) The election days, the election times, and the location of the polling station.
  - (b) A reference to the full electoral roll, including a list of eligible voters and a list of persons eligible to stand for office; the place or medium (e.g. email, intranet) and time at which these lists may be inspected; the date until which written objections regarding the electoral roll may be submitted to the Electoral Commission.
  - (c) An invitation to all member of the TRS cohort who are eligible to stand as candidates to submit their candidature to the Electoral Commission in writing by the closing date specified in the announcement of the election; the course directors will stand for election as a body.
  - (d) The deadline for requesting a mail-in ballot from the Electoral Commission, as well as the place and times at which voters may collect their mail-in ballots in person and against presentation of an official photo ID; mail-in ballots which are not collected will be sent to the respective voters by mail.
  - (e) A reminder that voters who have requested a mail-in ballot must ensure that their mail-in ballot is received by the Electoral Commission no later than the beginning of voting hours on the last day of the election if their ballot is to be accepted as validly cast.
  - (f) A reminder that up to six votes may be cast in the elections for both the DoS and TRS cohort.
- (3) The list of candidates of the two cohorts will be published in a public announcement at the latest when the mail-in ballots are sent (or collected) and will also be sent by email to the entire electorate. The order of the candidates on the list is determined by lot.
- (4) Voting takes place in person on the premises of the University on the election days at the times specified. If a mail-in ballot has been requested, it is not possible to vote in person at the polling station. Votes are assigned in accordance with the following rules:
  - (1) Each candidate of the TRS cohort can receive only one vote, with all eligible voters being entitled to cast votes for up to six candidates in total.
  - (2) The number of votes to be cast for the DoS cohort corresponds to the number of candidates. However, a maximum of six votes may be cast by a single voter, who has to rank the candidates from 1 to 6 (or the maximum number of candidates if this is less than 6).
- (5) For mail-in voting, votes are to be cast in such a way that the voter
  - (a) casts the vote personally and in secret,
  - (b) inserts the ballot into the envelope,
  - (c) inserts the election envelope into the second envelope (the voting card) and closes this envelope so that it can only be opened as a result of visible damage,
  - (d) confirms by handwritten signature on the voting card that he/she has complied with the Electoral Rules, and
  - (e) sends this envelope (with a stamp) by mail in such a timely and verifiable manner that the voting card arrives with the Electoral Commission in good time. The voter him/herself bears the risk arising from delivery by mail.

## **Clause 5: Elections and election results for the Faculty Council**

- (1) The Electoral Commission counts the ballots once the election has closed. Invalid ballot papers must be documented.
- (2) If there is any doubt as to the validity or invalidity of a particular ballot, the Electoral Commission decides by resolution. The valid votes cast for each individual candidate are added together.
- (3) The mail-in ballot are counted as follows:
  - (a) First, the voting cards received must be documented. In addition, it is necessary to check that the voting card is valid, namely that (i) the envelope is sealed, (ii) there has been no tampering with it and (iii) the voter has confirmed by signing the envelope with his/her own handwritten signature that the ballot paper contained therein was filled in by him/her personally and in secret. All voting cards which do not meet these criteria must be marked with a statement as to why the voting card was not valid. The invalid voting cards must be temporarily stored without removing the ballot paper. The Electoral Commission is the final arbiter of the validity of voting cards.
  - (b) In the next step, the valid voting cards are opened, and the envelopes with the ballots are placed in the empty ballot box. The valid voting cards are stored as part of the record of the election.
  - (c) After the envelopes of all valid voting cards have been placed in the ballot box, the envelopes must be mixed and the counting of votes is carried out in accordance with the rules for votes cast in person.
  - (d) After the counting has been completed, the ballot papers of the invalid voting cards must be removed and destroyed in the presence of the Electoral Commission.
- (4) The six candidates who received the most votes or points are elected. The other candidates are substitute members. If elected members of the Faculty Council are subsequently elected Chair or Vice Chair, or if they resign from their function, or if they do not accept the election, the substitute members of the Faculty Council succeed them according to the number of votes or points received in the election. In case of a tie of votes or points, the ranking is determined by lot.
- (5) If a member of the Faculty Council resigns or loses their function (DoS cohort), the next substitute member succeeds them. If no successor is available on the relevant list, the vacancy will be assigned to the other list in accordance with the original election result. If the vacancy cannot be filled, a new election of the respective cohort will be held. The term of office of the successor or newly elected person(s) expires at the same time as that of the other members of the current Faculty Council.
- (6) If less than six Directors of Studies are elected, the University of Applied Sciences Act (FHG) mandates that the remaining places to reach the number of slots on the Faculty Council allocated to Directors of Studies are filled from the substitute list of the TRS cohort.

## **Clause 6: Elections and election results for the Chair and Vice Chair of the Faculty Council**

- (1) The possibility of postal voting is excluded for the election of the Chair and Vice Chair.
- (2) The candidate who has obtained at least nine votes in the first round (absolute majority of the members of the Faculty Council) is elected.

- (3) If no candidate achieves this absolute majority of at least nine votes, a second ballot between the two candidates with the highest number of votes in the first round is held immediately afterwards. If the two candidates with the highest number of votes are not clearly identified due to a tie, a separate second ballot will be held. If all three candidates have the same number of votes, the next ballot will also be held with three candidates.
- (4) If no candidate achieves an absolute majority of at least nine votes in the second ballot, a new ballot must be held immediately afterwards.
- (5) If this election also fails to produce a result, a new election must be held at the latest 4 weeks after the last ballot with a new nomination of three candidates (or two candidates, as stipulated earlier) by the course-providing body.
- (6) The election of the Vice Chair must be carried out in a similar procedure. It is permitted that candidates from the original proposal of three candidates for the position of Chair of the Faculty Council who were not elected may be included on the proposal of three candidates for the position of Vice Chair. Subject to the consent of the Faculty Council and the course-providing body, a simplified electoral procedure without public announcement and notices (Clauses 4 (1) and 4 (2) of Electoral Rules) may be used for this purpose.
- (7) The election result must be published immediately by displaying a notice in a general and publicly accessible place on the premises of the University, as well as via email to all eligible voters.

## **Clause 7: Minutes of the election, election documents to be stored, and retention periods**

- (1) The electoral minutes must, in particular, contain the progress of the electoral process, record the election results, and note any special events.
- (2) The ballot papers, the voting cards – separated into valid and invalid ones – and the electoral minutes must be stored for 5 years by the Election Officer.

## **Clause 8: Contestation and scrutiny of elections**

- (1) Each voter may contest the election in writing within five days of the announcement of the election result by providing reasons. Any contesting of an election must be granted if the alleged illegality of the election procedure has been proven and had an influence on the election result.
- (2) The Electoral Commission decides by majority vote within a week whether a contestation of the election is justified or unjustified. The resolution on the contestation must be reasoned in writing and served without delay to the applicant and to the person directly concerned. An appeal against this resolution may be lodged with the Arbitration Commission, which must be delivered to the Executive Director of the University of Applied Sciences Kufstein Tirol Bildungs GmbH within three days of notification, who must immediately submit this appeal to the Chairman of the Arbitration Commission. The Arbitration Commission will make a final decision within one week of the date of the contestation; no further appeal is possible.

If the contestation is justified, the Electoral Commission must correct the election result in the event of an incorrect count or declare the election invalid to the required extent and order a re-election to this extent. Any ordered re-run of the election must then be carried out without delay. The Election Officer will set the date, place and time of the election. Any repetition of the election must be carried out in accordance with the provisions of these Electoral Rules.

(3) The election result is final in any of the following cases:

1. If the period for contestation pursuant to Clause 8 (1) has expired without the election being contested.
2. If the period for appeal pursuant to Clause 8 (2) has expired without an appeal having been lodged against the decision of the Electoral Commission.
3. In the event of an appeal having been lodged in due time, if the Arbitration Commission has decided against the decision of the Electoral Commission.

Because of the deadlines stipulated in this clause, the final election result must therefore be available no later than 26 calendar days after election day.

## **Clause 9 New elections**

If pursuant to Clause 5 (5) of these Electoral Rules vacancies in one of the two cohorts can no longer be filled because the list of substitute members has been exhausted, new elections must be held for the respective cohort. These elections shall only extend to the vacancies within the cohort, or if necessary to substitute members of the respective cohort.