

RULES FOR THE ELECTION

of the Academic Council to be established at MCI Management Center Innsbruck in accordance with § 10 of the Austrian Act on Universities of Applied Sciences (“FHG”), Federal Law Gazette I, No. 177/2021, regarding the Body of Members elected by the Program Directors

as amended by Academic Council Resolution No. 117 of 14 March 2023

1. Preamble

In 2011, the Austrian legislators adopted the Act on Quality Assurance in Higher Education (“HS-QSG”) and amended other legal provisions relating to different types of higher education institutions, in order to establish a uniform quality assurance framework for the entire higher education sector in Austria.

Apart from other changes, the legal provisions stipulate that the relevant higher education institutions shall, by 1 September 2012, establish Academic Councils for the purpose of implementing and organizing all teaching and examinations. The Academic Council shall meet at least twice a year at the place where the higher education institution is based.

The Academic Council shall include, in addition to the Head and Deputy Head of the Academic Council, six Program Directors, six representatives of the teaching and research staff, and four representatives of the students. The relevant Program Directors as well as the representatives of the teaching and research staff shall be elected by the relevant groups. When preparing the nominations for the representatives to be elected, at least 45 percent of the candidates for each group shall be women, if possible. The representatives of the students shall be delegated.

The main duties of the Academic Council shall include the election of the Head and Deputy Head of the Academic Council based on a list of three candidates proposed by the Provider, changes to accredited degree programs in consultation with the Provider, the establishment and termination of degree programs and continuing higher education programs in consultation with the Provider, the submission of budget requests (capital, non-personnel and personnel expenditures) to the Provider, the strategic development of teaching, applied research and internationalization with a view to ensuring competence- and future-oriented degree programs at university level in consultation with the Provider, coordinating the contents of all teaching operations, ensuring quality in teaching and research and evaluating all teaching operations, including examination regulations and curricula, rulings on complaints lodged against decisions taken by Program Directors, and the awarding of academic honors customary in the university system in consultation with the Provider.

The Academic Council shall furthermore be responsible for issuing rules of procedure and statutes, in consultation with the Provider. The statutes shall, as a minimum, include the study and examination regulations, rules for the election of the Academic Council, the establishment of working groups, where applicable, and their statutes, regulations with regard to Academic Council quorums, an equal opportunities plan, regulations with regard to the establishment and termination of degree programs and continuing higher education programs, and guidelines for the appropriate use of designations customary in the university system and for the awarding of academic honors.

The members of the Academic Council shall not be entitled to receive any additional remuneration for performing their duties. German shall be the official language of the Academic Council, subject to any provisions stipulating otherwise in the election rules to be adopted.

2. Electoral principles

In electing the representatives of the Program Directors to be appointed members of the Academic Council established at MCI Management Center Innsbruck in accordance with § 10 FHG, Federal Law Gazette I, No. 45/2014, voting shall be for individual candidates, by secret ballot, and exercised in person. Each person entitled to vote shall have one vote.

3. Voting rights, eligibility

All Program Directors whose employment contract with MCI Management Center Innsbruck is continuing in full force and effect shall have the right to vote and the right to stand as a candidate in the election.

In connection with exercising the right to stand as a candidate and in view of a potential appointment as a member of the Academic Council, potential candidates are advised to consider that the term of office of the Academic Council is likely to be several years (cf. also section 6, Candidacy / nominations, and section 10, Membership of the Academic Council).

The persons entitled to vote and to stand as candidates shall be informed in writing of their relevant rights and of the rules for the election. In addition, the electoral roll shall be made available by the election commission.

4. Voting systems, polling days, voting place

Elections can be conducted based on either of two voting systems: in-person voting or electronic voting. The election commission shall determine in advance which voting system shall be used.

If the election is conducted based on in-person voting it shall be held on one calendar day. The place of voting shall be MCI Management Center Innsbruck. The room where the polling station is established shall be announced not later than five days prior to the start of the election.

If the election is conducted electronically, voting shall be possible for five days from the day on which the access data required for voting are communicated.

5. Preparing the election, election commission

An election commission shall be responsible for preparing and conducting the election and determining the election result. The election commission shall have three members. The Managing Director of MCI or any other person designated by him or her shall take the chair. The other members shall be nominated by the Management of MCI. Persons entitled to vote and to stand as candidates in the election shall be precluded from being appointed members of the election commission.

6. Candidacy / nominations

Candidacies and nominations shall be submitted electronically to wahlkommission.kollegium@mci.edu not later than 14 days prior to the start of the election; they must be signed by hand or electronically and include a CV. If a person other than oneself is nominated as a candidate, a letter of consent signed by hand by such other person shall also be included.

The holding of the election is subject to a minimum of six valid nominations having been submitted. However, in view of the appointment of substitute members a larger number of nominations should be aimed at. Unless a minimum of six valid nominations have been submitted, the election shall be postponed; until the time when the postponed election takes place, all efforts shall be used to encourage a larger number of nominations. In any event, irrespective of whether or not additional nominations have been submitted, the postponed election shall be held without undue delay.

The election commission shall check the submitted nominations for their validity, and communicate the nominations in the form of a list of candidates to the persons entitled to vote not later than ten days prior to the start of the election. The candidates agree that the submitted CVs, possibly also including additional standardized information (e.g. degree program, teaching assignment hours, or similar), shall be made available to the persons entitled to vote.

7. Conducting the election

In-person voting:

In electing the representatives of the Program Directors to be appointed members of the Academic Council, voting shall be by secret ballot, using official ballot papers provided by the election commission. Each person entitled to vote shall have one vote per each round of voting. Any vote cast is deemed to be valid only if the choice of the voter is indicated clearly and unambiguously on the ballot paper.

Electronic voting:

The persons entitled to vote can verify their identity by the access data communicated by the election commission, and cast their vote electronically using the ballot paper provided by the election commission. Each person entitled to vote shall have one vote per each round of voting. Any vote cast is deemed to be valid only if the choice of the voter is indicated clearly and unambiguously.

8. Determining the election result

In order to establish the definitive election result, as many rounds of voting shall be held, each directly following the preceding round, as are required to produce a clear result regarding the six members of the Academic Council and the ranking of substitute members, if any. The election result shall be determined by the election commission immediately after the relevant round of voting. The candidates shall be ranked based on the number of votes they received.

In the event no clear result can be determined regarding the six members of the Academic Council even after the tenth round of voting, the definitive election result and/or the definitive ranking of substitute members, if any, shall be decided by lot.

If in any round of voting candidates are tied and no clear result can therefore be determined regarding the members of the Academic Council and/or the ranking of substitute members, if any, another round of voting (runoff vote) shall be held between the tied candidates.

9. Selection by lot

In the event no clear result can be determined regarding the members of the Academic Council and the ranking of substitute members, if any, even after the tenth round of voting, the definitive result shall be decided by lot. The selection by lot shall be performed by the election commission on site immediately after the tenth round of voting. The detailed procedure for such a selection by lot shall be defined by the election commission, in the event of differing opinions within the commission by majority vote. Any persons entitled to vote and stand as candidates who are in attendance shall have a right to be heard.

10. Membership of the Academic Council

The elected representatives shall be deemed to be members of the Academic Council for as long as their employment contract with MCI continues and they are part of the body of members elected by the Program Directors. Upon the termination of the employment contract the relevant representative shall cease to be a member of the Academic Council, and the elected substitute members shall move up, based on their ranking, and be appointed members of the Academic Council. Any revival of an employment contract shall not give rise to renewed membership of the Academic Council.

11. Special elections

In the event any vacancies in the Academic Council that result from former members leaving office, cannot be filled for want of substitute members, special elections shall be held within a delay of six months to fill these vacancies and for the appointment of substitute members. If regular elections for the Academic Council are scheduled to be held within the said delay, the aforesaid obligation shall not apply.