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(ANNEX 9 to the University Bulletin Issue 22 No. 109 – 2021/2022, 6 July 2022)

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RULES OF PROCEDURE OF THE ARBITRATION COMMITTEE **at the University of Klagenfurt (approved on 11 March 2022)**

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Section 1 Scope of application

These rules of procedure apply to the Arbitration Committee of the University of Klagenfurt according to Section 43 of the Universities Act.

Section 2 Formation of the Arbitration Committee

(1) The inaugural meeting of the Arbitration Committee will be convened promptly by the Rector at the start of the term of office and will be chaired by the Rector until voting (see Paragraph 2) is complete. A secretary must be elected immediately for the duration of the inaugural meeting.

(2) During the inaugural meeting, the Arbitration Committee elects the chair, the vice-chair, and the secretary for the duration of the term of office of the Arbitration Committee by way of a simple majority.

(3) The chair takes over duties as soon as voting is complete.

(4) The agenda (Section 8) of the inaugural meeting may also include items beyond the scope of the committee formation. Such items may only be discussed after the chair has been elected.

Section 3 Members, substitute members and attendance at meetings

(1) All members of the Arbitration Committee must attend the meetings. Any member unable to attend must notify the chair in writing in advance and provide justification for their absence.

(2) If a member is unable to attend (see also Section 13) they must take steps to ensure a substitute member (see Section 43 Paragraph 9 of the Universities Act) attends the meeting. In the first instance, members should invite substitute members of the same gender and from the same university body. In case both substitute members from the same university body are also unable to attend, a substitute member from another participating university body may attend the meeting. The first substitute member to be invited is the member of the same gender as the member to be replaced whose surname comes first alphabetically.

(3) The members and substitute members of the Arbitration Committee are bound to official secrecy according to Section 48 of the Universities Act in conjunction with Art. 20 Paragraph 3 of the Federal Constitution Act (Bundesverfassungsgesetz).

(4) In order to fulfil their duties, every member has the right to view and make a copy of any university document relating to matters being handled or decided on by the Arbitration Committee. This also applies to substitute members with regard to agendas and meetings where they are representing a member.

Section 4 Information providers and experts

(1) The Arbitration Committee may call upon information providers and experts with regard to advising on individual matters or providing any necessary mediation in case of disputes. These information providers and experts have no right of petition and are not entitled to vote, and are also bound to official secrecy.

(2) Just like the chair, every member may request to invite experts and/or information providers after receiving the provisional agenda or when submitting an item for the agenda to the chair.

(3) The application to call experts or other information providers must be properly considered at the latest by the start of the relevant meeting and must be decided on by way of a simple majority.

Section 5 Expert reports

The Arbitration Committee is authorised to commission expert reports as evidence where necessary and can decide on this step by way of a simple majority.

Section 6 Meetings and circular resolutions

(1) The Arbitration Committee generally deliberates and passes resolutions in private meetings.

(2) Circular resolutions are permitted in particular in the case of urgent matters and business where it seems necessary to pass a resolution before the next meeting.

(3) The relevant motion and its justification must be formulated in such a way that it can be voted on with "yes" or "no" and must be circulated electronically by the chair to the members allowing for a deadline of at least five working days. The motion will be deemed to have been accepted if the simple majority of all committee members answer in the affirmative within the set deadline.

(4) A circular resolution is impermissible if at least two members demand that a meeting be called immediately.

(5) Meetings are held primarily in order to take care of ongoing business, in special circumstances or to deal with urgent matters.

(6) As a rule, the meetings of the Arbitration Commission shall be held in person. If this is not possible, they may also be held in digital or hybrid form. If two members so request and if it is legally possible, the meeting must be held in person.

Section 7 Convening meetings

(1) Each meeting of the Arbitration Committee is convened by the chair. The chair or the vice-chair can convene a meeting at any time.

(2) The date of a meeting must be communicated electronically in writing to the members together with a provisional agenda no later than six working days prior to the meeting.

(3) An urgent meeting can be convened by the chair or the vice-chair at the earliest possible opportunity within three working days, in the case of particularly urgent matters or in order to meet a deadline. This can also be arranged if at least a quarter of the members who are entitled to vote request a meeting in writing including a proposal for the agenda.

Section 8 Agenda

(1) The agenda is drawn up by the chair, or in the case of their absence by the vice-chair, taking into account the items proposed by the members.

(2) The agenda of a meeting must always include the following items:

1. Statement that the meeting was convened in accordance with the regulations, members present and the presence of a quorum;
2. Approval of the agenda;
3. Notice about or approval of the minutes from the previous meeting;
4. Report by the chair;
5. Reports by members of the Arbitration Committee as well as other enquiries, suggestions and recommendations;
6. Any other business.

(3) The agenda of an urgent (Section 7 Paragraph 3) meeting must always include the following items:

1. Statement that the meeting was convened in accordance with the regulations, members present and the presence of a quorum;
2. Approval of the agenda;
3. Any other business.

(4) All other items on the agenda must be stated clearly so that there is no doubt as to what the subject of the discussion will be.

(5) Under the item 'Approval of the agenda', a simple majority can be used to change the order of the items on the agenda, remove items from the agenda or add new items to the agenda.

Section 9 Chairing meetings, tasks carried out by the chair

- (1) The Arbitration Committee meeting must be chaired by the chair, or by the vice-chair if the chair is unable to attend. If the vice-chair is also unable to attend, the meeting is chaired by the oldest member of the Arbitration Committee in attendance.
- (2) The chair opens and closes the meeting and ensures that order is maintained and that the rules of procedure are adhered to throughout the meeting. The chair announces the presence of a quorum, brings motions to a vote and announces the results of the votes.
- (3) The elected secretary (Section 2, Paragraph 3) takes the minutes. If the secretary is unable to attend, a temporary secretary is designated by the chair at the start of the meeting by way of exception.
- (4) Whenever necessary, and always at the start of a term of office, the chair must remind all members as well as information providers and/or experts that they are bound to official secrecy.
- (5) Before closing an item on the agenda, the chair must check if there are any other requests to speak regarding the item in question.

Section 10 Reporting and information

In every meeting, if the matter under discussion is not an item on the agenda in its own right, the chair must report in particular on the following, according to Section 8 Paragraph 2 Line 4:

1. The management of ongoing business;
2. The completion of urgent matters;
3. The results of circular resolutions;
4. Any activities that have external effects.

Section 11 Motions

- (1) Motions can be divided into:
 1. Motions on matters of substance;
 2. Motions on process.
- (2) Motions must be formulated such that they can be voted on with 'Yes' or 'No'.
- (3) Every member who is entitled to vote can, when it is their turn to speak, propose motions relating to the item currently under discussion and modify or retract their own motions (additional motion).
- (4) If several motions have been proposed for the same item, the order of the votes is determined by the chair.
- (5) Motions on process can be introduced at any time by calling 'I move'. Such motions must be voted on as soon as the current speaker has finished.
- (6) Motions on process may not refer to the particular item on the agenda itself, but only to the process. Motions on process include in particular:
 1. Motion to defer items on the agenda;
 2. Motion to adjourn the meeting; this requires a majority of all committee members present who are entitled to vote;
 3. Motion to allow secret voting (Section 14 Paragraph 5);
 4. Interpretation of the rules of procedure.

Section 12 Resolution requirements

- (1) The Arbitration Committee is able to pass resolutions when at least two thirds (four out of six) of the members (who are entitled to vote) are present. In order to pass a resolution regarding a complaint or objection by the Equal Opportunities Working Group, all members – or substitute members in case of absence – must be present.
- (2) If more than half of the members present who are entitled to vote agree with the motion in question, it is passed. This also applies to resolutions that require a two-thirds majority (see Section 18).
- (3) If there is no majority, the chair must make the casting vote (Section 43 Paragraph 11 of the Universities Act).

Section 13 Bias

- (1) Every member is obliged to immediately notify the Arbitration Committee of any reasons that may represent a bias according to Section 7 of the General Administrative Procedure Act (AVG). In case of doubt, the remaining members who are entitled to vote will decide with a simple majority if these reasons are justified.
- (2) A member or substitute member who is biased according to Section 7 of the AVG may not take part in meetings, deliberations or resolutions on the relevant matter and must leave the meeting room for the duration of the discussion of this matter.
- (3) Matters concerning a biased member or substitute member must always be subjected to a secret vote.

Section 14 Voting

- (1) The chair must announce the motions and the order in which they will be voted on before the voting begins.
- (2) Voting takes place openly by show of hands.
- (3) Secret voting takes place if one of the members present who is entitled to vote requests it. Any matters concerning a member or substitute member personally must always be voted on in secret.
- (4) In the event of digital or hybrid meetings, secret votes must be held for all members by means of a suitable tool to be provided by the chair.
- (5) Members are not permitted to abstain from voting.
- (6) The votes must be counted by the chair in the presence of all members who are entitled to vote.
- (7) Following the vote and the counting of the votes, the chair must immediately announce the results of the vote by stating the number of 'Yes votes from all given votes ('Yes vote count).

Section 15 Meeting minutes

- (1) Minutes must be kept for every meeting of the Arbitration Committee.
- (2) The minutes must always contain:
 1. Designation as meeting minutes and the Arbitration Committee;
 2. Date and place, start and end times of the meeting;

3. The names of the members, substitute members and information providers and/or experts present in person or in digital form;
4. The names of any members who have sent apologies and any members who are absent but have not sent apologies;
5. Announcement of quorum, notice about the approval of the minutes from the previous meeting;
6. The final agenda;
7. All motions and resolutions as well as the voting results.

(3) Every member or substitute member who is replacing a member is authorised to request the verbatim record of any individual speeches made by them. Every member who is entitled to vote has the right to request the recording of the explanations of another member who is entitled to vote; if another member who is entitled to vote objects, the Arbitration Committee will make a ruling to reach a decision.

(4) The fair copy of the minutes must be completed, signed by the chair and the secretary and sent electronically to all members and substitute members who replaced members within 12 working days.

(5) Any objections must be sent to the chair in writing within 5 working days.

(6) If no written objections are made to the minutes within this period by any member or substitute member who was present at the meeting, the minutes are considered approved.

(7) Any objection to the minutes sent within the appointed period of notice must be discussed in the next meeting.

(8) Every member is authorised to look at the minutes of the Arbitration Committee meetings at any time and copy out any sections or make copies. This also applies to substitute members with regard to any items on the agenda for which they represented a member.

(9) The minutes must be stored and archived at the university together with any annexes.

Section 16 Delegating tasks to individual committee members

Individual tasks of the Arbitration Committee can be delegated by the Arbitration Committee to one or several committee members for further processing and for carrying out enquiries, including investigating disputes at the university according to Section 43 Paragraph 1 Line 1 of the Universities Act.

Section 17 Implementing resolutions, independent work by the chair

(1) The chair is bound to the resolutions of the Arbitration Committee within the scope of their role, insofar as these rules of procedure do not say otherwise.

(2) The obligations of the chair include:

1. Presiding over the ongoing business of the Arbitration Committee;
2. Executing resolutions passed by the Arbitration Committee;
3. Handling urgent matters independently, i.e. any matters that must be completed immediately and without delay before the next meeting and which cannot be agreed via a circular resolution or in cases where there is imminent danger;
4. Handling matters independently on the basis of resolutions passed by the Arbitration Committee;

5. Assuming responsibility for the timely creation and communication of the annual activity report according to Section 43 Paragraph 12 of the Universities Act;
6. Representing the Arbitration Committee to all external parties.

(3) In case of doubt, the Arbitration Committee will decide which matters must be handled independently by the chair.

Section 18 Recalling the chair and the vice-chair from their functions

(1) The Arbitration Committee has the right to recall the chair and the vice-chair before the end of the term of office. The resolution to recall requires a two-thirds majority. After a successful recall, the selection of the new chair must be arranged at the first available opportunity.

(2) Recall may take place via a motion if the chair is guilty of gross violation or neglect of their duties or is no longer in the position to fulfil their duties and if the relevant motion to recall was already included in the agenda at the time the Arbitration Committee meeting was convened.

Section 19 Changing the rules of procedure

Changes or additions to these rules of procedure can be made with a two-thirds majority of the valid votes in a meeting where the agenda included such a change as a separate item at the time the members were invited to the meeting.

Section 20 Entry into force

This amended version of the rules of procedure comes into force on the day after publication in the university bulletin of the University of Klagenfurt.