

Rules of Procedure of the Constituent Convention on the Establishment of the Institute of Digital Sciences Austria pursuant to § 6 of the Act on the Establishment of the Institute of Digital Sciences Austria, F. L. G. I No 120/2022

Scope of Application

§ 1. These rules of procedure apply to the constituent convention of the Institute of Digital Sciences Austria.

Term of Office

§ 2. The term of office of the constituent convention shall commence on 12 October 2022 and end when the collegial body pursuant to the Act regulating the details of the organisation and the day-to-day operation of the Institute of Digital Sciences Austria has constituted itself.

Electing, Voting Out and Resignation of a Chairperson and a Deputy Chairperson

§ 3. (1) During the constituting meeting, the constituent convention shall, in compliance with the electoral principles, elect a chairperson as well as two deputy chairpersons from among its number by a simple majority.

(2) If no majority is reached in the first round of the election of the chairperson and his/her deputies, a run-off vote shall decide between the two persons who have received the highest number of votes in the first round. If they again get the same number of votes, a lot shall be drawn.

(3) A voting out of a chairperson or deputy chairperson shall be held with at least half of the voting members present and shall require a two-thirds majority of the valid votes cast. An application in this respect must already be included in the agenda at the time of invitation to the meeting of the constituent convention.

(4) The resignation of a deputy shall be submitted in writing to the chairperson or recorded in the minutes of a meeting. The resignation of a chairperson shall be submitted in writing to the management office according to § 7 or recorded in the minutes of a meeting.

(5) (5) In the event that the chairperson as well as the deputy chairpersons are permanently indisposed, the oldest member in terms of age shall take over the function of executive chairperson and shall immediately call a meeting of the constituent convention for the election of a chairperson.

Appointment of the Founding President and Vice-president

§ 4. (1) All resolutions and elections within the framework of the appointment procedure of the founding president and vice-president shall be made and held in accordance with § 8 (2) IDSA Founding Act (IDSA GründungsG) with at least two thirds of the members of the constituent convention present by a simple majority. The transferral of votes shall not be permissible for elections. Elections shall be conducted by secret ballot among the physically present members of the constituent convention; thus, only the members that are physically present shall be counted when determining the necessary quorum of six members.

(2) Any grounds for a conflict of interest according to § 14, in particular with regard to the applications received, must be disclosed immediately by all members of the constituent convention.

(3) Within four weeks following the application deadline, the constituent convention shall decide whether they consider the application situation to be sufficient according to § 8 (2) IDSA Founding Act or the advertisement. If this is not the case, negotiations with the BMBWF shall be taken up regarding the repetition of the advertisement according to § 8 (1) IDSA Founding Act and other suitable measures to enhance the application situation (active search for suitable persons, if need be including the commissioning of consulting companies) and a new date for the evaluation of the application situation agreed upon.

(4) A maximum of ten qualified applicants as regards the required criteria specified in the advertisement or under § 8 (2) IDSA Founding Act shall be invited to a hearing. Regard shall be given to the principle of non-discrimination under B-GIBG when selecting the applicants. The constituent convention is free to define topics which shall be addressed by the applicants during their hearing.

(5) The hearings shall be held in English and consist of a part which is open to the public and another that is not-public. Only members of the constituent convention may participate in the non-public part.

(6) After the hearings pursuant to para 4 and taking into account para 1, the founding president and a maximum of two ranked replacement candidates shall be elected as follows: In up to three separate elections, all physically present members of the constituent convention shall enter the names of the in their opinion best, second or third best persons on a voting card. The person who receives more than half of the valid votes cast in the first round of elections shall be elected.

(7) If no absolute majority is reached in the first round of one of the elections pursuant to para 6, a run-off vote shall decide between the two candidates who have received the highest number of votes. The person who then received the most valid votes cast shall be elected. If no majority is reached in this run-off vote, it may be repeated up to three times – if ordered by the chairperson or a majority of the present members of the constituent convention, only after a session break. After the run-off vote has been repeated three times, the election is decided by drawing lots.

(8) If during one of the elections pursuant to para 6 the need should arise due to the first round of elections to carry out a run-off vote between three candidates, a decision shall first be made between the two candidates with less votes. If no majority is reached between the second-ranked candidates, it shall be decided by drawing lots which of the candidates shall move up to the final run-off vote. Subsequently, para 7 shall apply by analogy.

(9) The ranking of candidates resulting from the up to three elections shall be binding.

(10) The chairperson shall immediately inform the BMBWF of the election results.

(11) In case of temporary indisposition of the president, the chairperson of the constituent convention shall act as his/her deputy.

Tasks of the Constituent Convention

§ 5. (1) The constituent convention shall be responsible for the fulfilment of the tasks according to the Act on the Establishment of the Institute of Digital Sciences Austria.

(2) Until the founding president has been appointed, the chairperson of the constituent convention together with his/her deputies shall manage the essential business.

(3) In particular, they ensure that there is a regular exchange between the constituent convention and the advisory board.

(4) The constituent convention shall lay down the University's strategic principles in the founding phase and define and set up a provisional range of studies.

(5) The constituent convention's resolutions for the adoption of provisional statutes, a provisional organisation chart as well as provisional curricula shall be made only based on the recommendation of the founding president.

Tasks of the Chairperson

§ 6. (1) The chairperson of the constituent convention shall be responsible for:

1. convening the meetings of the constituent convention and setting the agenda;
2. opening, leading and closing the sessions of the constituent convention, ensuring the due completion and prompt as well as exhaustive handling of the agenda;
3. ensuring the timely fulfilment of the constituent convention's tasks;
4. representing the constituent convention externally and fulfilling the day-to-day business.

In some cases or for specific areas, the chairperson may entrust other members with external representation tasks.

5. Signing documents drawn up on behalf of the constituent convention. In the case that the chairperson is indisposed, the documents shall be signed by the deputy chairperson.

Electronic documents require a qualified electronic signature.

(2) The chairperson may entrust members, subject to their approval, to prepare the decision-making on specific areas in terms of content.

(3) Regarding budgetary decisions, the chairperson shall include another chairing member of the constituent convention (principle of dual control).

Office of the Constituent Convention

§ 7. (1) Administrative support for the constituent convention is provided by the office of the constituent convention. The chairperson shall be responsible for administrative supervision.

(2) The tasks of the office of the constituent convention include, in particular:

1. administrative support of the chairperson, in particular during the meetings by way of taking minutes and sending out the minutes to all members;
2. archiving of the minutes of the meeting and any correspondence for a minimum of eight years (electronic archiving as sole means of archiving shall be permissible);
3. administrative implementation of the constituent convention's resolutions;
4. conducting the necessary written correspondence with the members of the constituent convention;

5. dealing with other issues arising out of the fulfilment of the constituent convention's duties.

Convening of Meetings of the Constituent Convention

§ 8. (1) Meetings of the constituent convention are convened by the chairperson at least two weeks prior to the respective meeting. In the case of the chairperson's indisposition, the first deputy or the second deputy shall act as substitute.

(2) A meeting shall be convened at the earliest possible date, however no later than within two weeks after at least two members of the constituent convention file a motion to that effect, with the agenda being attached.

(3) The members of the constituent convention shall be invited at least two days prior to the meeting date by sending out information (invitation), including the place and time of the meeting, the names of any participating experts and/or informants as well as the proposed agenda and the documents for the meeting. The invitation shall be sent per e-mail to the e-mail addresses provided by the respective members.

(4) If the chairperson does not comply with the request for a meeting that was expressed by at least two members of the constituent convention, including a proposal for an agenda, within two weeks, the applicants may convene a meeting themselves. When convening the meeting, they shall point out the chairperson's default.

(5) It is the members' right as well as their duty to participate in the decision-making and meetings of the constituent convention.

(6) The meetings of the constituent convention are confidential and not open to the public.

Substitution in Case of Indisposition

§ 9. (1) If a member is not able to attend a meeting, the person to have called the meeting shall be informed in writing immediately. It shall be permissible to provide the notice by e-mail.

(2) A transferral of one's voting rights in case of indisposition shall be permissible. In case of indisposition, members of the constituent convention may transfer their voting rights to another member for the duration of their absence or for the whole meeting. A member may represent no more than two votes during a meeting.

(3) A member shall be considered to be permanently unavailable if it can be expected that he/she will not be able to attend six meetings in a row. In case of permanent unavailability, the chairperson shall inform the Federal Minister of Education, Science and Research, who shall dismiss the respective member of the constituent convention and appoint a new member on the recommendation of the authority entitled to delegate according to § 6 para 1 of the Act on the Establishment of the Institute of Digital Sciences Austria.

Agenda

§ 10. (1) The chairperson of the constituent convention shall prepare an agenda, taking into consideration any proposals made by the members of the constituent convention, to be sent out together with the invitation. The members shall have the right to propose further items to add to the agenda.

(2) The constituent convention shall adopt the agenda at the beginning of each meeting.

(3) According to the provisions on the decision-making process, It is permissible to make changes to the agenda under the item "approval of the agenda".

(4) In any case, the agenda shall include:

1. verification of the orderly invitation, attendance and quorum,
2. approval of the agenda,
3. approval of the minutes of the last meeting,
4. report of the chairperson,
5. report(s) of (a) further member(s) of the constituent convention as well as
6. other items.

(5) Any reordering of the agenda items in open session shall be subject to the decision of the chair of the meeting.

Holding Meetings using Means of Electronic Communication

§ 11. (1) The use of means of electronic communication for meetings of the constituent convention shall be permissible. The secure identification of the members, in particular, must be ensured. Persons participating in a meeting of the constituent convention by means of an electronic communication tool are

considered to be personally present. The chairperson of the constituent convention shall decide on the use of means of electronic communication after consultation with the members.

(2) The virtual conduct of a session shall require the following:

1. the decision-making of the participating members shall not be influenced;
2. the members must be able to hear each other in any case;
3. it must be possible to connect third parties (e.g. informants);
4. it must be ensured that all participating members have the same level of knowledge;
5. the way in which the meeting was conducted shall be recorded in the minutes.

(3) In the event that, during the virtual meeting, there is a disruption in the connection of the technical means of communication used, the chairperson shall decide whether the meeting shall be suspended or adjourned.

(4) Secret ballots or secret elections shall only be permissible during a meeting that is held in presence.

Motions

§ 12. (1) Each member of the constituent convention shall have the right to file motions to each of the agenda items.

(2) The chairperson may request that the motion be filed in writing.

(3) Motions with regard to the rules of procedure may only include a brief justification. Upon request, the floor shall be given to a speaker for and against the issue.

(4) Motions regarding the rules of procedure may address the following:

1. Closing the list of speakers: After the motion has been accepted, only the speakers who at the time of the filing of the motion had already been added to the list are still given the floor to speak.
2. Secret ballot: Such a motion is permissible even after the decision has been made to end the debate.
3. Adjournment of the subject of negotiation: If the motion is accepted, the chairperson shall add the subject of negotiation to the agenda of the following meeting.
4. Session break.

Resolution Requirements, Circular Resolution and Dissenting Opinion

§ 13. (1) Unless otherwise provided for by law, a decision made by the constituent convention shall require at least half of the members entitled to vote to be present. In that case, an application shall be accepted by a simple majority of the valid votes cast.

(2) Abstentions shall not be considered as votes cast. Abstentions and invalid votes lower the required quorum.

(3) In the case of a tie, the motion shall be deemed to be rejected.

(4) Decision-making by circular resolution outside of meetings shall be permissible in cases of urgency. In such a case the following shall be observed:

1. The chairperson shall electronically forward the application for circular resolution – including a brief justification – and a written copy of the motion to be dealt with in circular resolution to all members to the e-mail addresses used to convene meetings.
2. The motion filed for circular resolution must be briefly justified and worded in such a way that it can be voted on with "yes" or "no". At the same time, a reasonable period of at least seven days shall be set for the vote on the circular motion.
3. Minutes shall be kept of participation in the vote. The chairperson shall determine the result of the vote on the circular motion and include it in the minutes.
4. A resolution in circular motion shall not be passed if only one member of the constituent convention requests a discussion or another version of the motion. In that case, the matter shall be put on the agenda for the next meeting.
5. A motion is accepted if a majority of the members of the constituent convention has voted in favour.
6. The members shall be notified of the result of the vote on the circular motion by the chairperson immediately, however, no later than during the next meeting of the constituent convention.

(5) Each member may express a dissenting opinion against a resolution he or she has not agreed to by the end of the meeting. The dissenting opinion shall be substantiated, a justification shall be recorded in the minutes.

Conflict of Interest

§ 14. (1) A member is considered to be biased if there is a reason for conflict of interest in the meaning of § 7 AVG. Mere membership and active participation of a member of the constituent convention in a senate, rectorate or university council of another university shall not constitute a reason for conflict of interest.

- (2) Unless otherwise agreed on by the constituent convention, the biased member shall leave the meeting for as long as the matter is discussed.
- (3) Biased members shall not participate in the vote.

Conduct of the Vote

§ 15. Prior to the vote, the chairperson shall repeat the motions that have been filed. The chairperson shall explain the voting procedure and set an order for the votes. The vote is usually performed by show of hands.

Informants and Experts

§ 16. (1) Following a decision of the constituent convention, the chairperson may invite informants and experts to the meetings at any time. Equally, the members of the constituent convention may agree at any time to call upon informants and experts for the respective meeting. Attendance of the informants and experts is limited to the respective item of the agenda.

- (2) Informants and experts shall neither have a right to file motions nor a right to vote.

Minutes

§ 17. (1) Minutes shall be taken at each meeting and shall be signed by the chairperson of the constituent convention or the first or second deputy chairperson.

- (2) The minutes shall document the outcome of the meeting. In any case it shall include the

1. place of the meeting (in the case of virtual meetings the virtual space may be specified), start and end time of the meeting,
2. names of the attending members of the constituent convention,
3. quorum,
4. main proceedings of the meeting,
5. motions filed and resolutions passed as well as
6. results of the votes and elections (stating the voting ratios).

The contents of the discussions shall only be reflected to the extent necessary to understand the resolutions taken. The minutes shall include the invitations and the final agenda.

- (3) During a meeting, each member of the constituent convention may expressly request that a statement or voting behaviour be recorded in the minutes.
- (4) The minutes shall be sent to the members no later than two days prior the next meeting. The founding president shall be informed of any resolutions passed by the constituent convention regarding the provisional statutes, the provisional organisation chart as well as the provisional curricula.
- (5) Objections against the minutes must be lodged in writing to the chairperson before the next meeting. The right to object lies with all members present at the respective meeting. The transmission of objections via e-mail is permissible. The members of the constituent convention shall decide on an objection at the next meeting under the agenda item „Approval of the minutes of the last meeting“.

Right of Inspection

§ 18. The members of the constituent convention shall have the right to inspect all business documents available to the constituent convention.

Final Provisions

§ 19. All members of the constituent convention, the minute taker as well as any informants and experts attending a meeting of the constituent convention shall be subject to secrecy.