

**UNIVERSITY ACCREDITATION
ACT**

(UniAkkG)

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QUOTATIONS

Federal Act on the Accreditation of Educational Institutions as Private Universities (University Accreditation Act – UniAkkG)

Promulgation: Federal Legal Gazette¹ I No. 168/1999
Entry into Force: Basically: August 20, 1999;
Full effect: November 1, 1999

Federal Act Amending the University Accreditation Act

Promulgation: Federal Legal Gazette I No. 54/2000
Entry into Force: September 1, 2000

First Federal Constitution Clearing Up Act

Promulgation: Federal Legal Gazette I No. 2/2008
Entry into Force: January 1, 2008

¹ Bundesgesetzblatt für die Republik Österreich (BGBl.).

UNIVERSITY ACCREDITATION ACT – UniAkkG)²

Scope of Regulation

§ 1. (1) The present Federal Act shall regulate state accreditation as private universities of educational institutions not recognized as post-secondary educational institutions by another Austrian legal regulation.

(2) References to other Federal acts contained in this Act shall be deemed to be references to the current versions.

(3) All titles of official positions used in this Act shall be construed as gender neutral.

Requirements for Accreditation

§ 2. (1) To obtain accreditation as a private university the educational institution filing the application must fulfil the following requirements:

1. It must be a legal entity registered in Austria.
2. It must offer study programmes or units of such, in one or more scientific or artistic disciplines, leading to an academic degree of international standard, awarded for full-time study programmes of at least three years duration, or study programmes in continuation of such programmes. The initial application must be accompanied by the curricula of the planned study programmes.
3. It must appoint teaching staff of international scientific or artistic standard for the main subjects contained in the planned study programmes. The initial application must, as a minimum, be accompanied by legally binding preliminary employment contracts for a sufficient number of staff for the planned study programmes.
4. The required staff, facilities and equipment must be existent at the time of commencement of the planned study programme. Proof thereof must be furnished when the initial application is made.
5. The private university's activities must be in accordance with the following principles: freedom of sciences and their teaching (art. 17 of the Basic Law on the General Rights of Nationals³, Imperial Legal Gazette⁴ No. 142/1867), freedom of scientific and artistic activity, the dissemination of the arts and their teaching (art. 17a of the Basic Law on the General Rights of Nationals), interaction between research and teaching, diversity of academic and artistic theories, methods and doctrines.

(2) The award of academic degrees homonymic to the academic degrees according to the Universities Act 2002 requires that the respective study programmes are, with regard to the result of overall education, comparable to a subject-relevant study programme according to the Universities Act 2002.

Effects of Accreditation

§ 3. (1) For the duration of accreditation in accordance with this Act, the educational institution shall be entitled to refer to itself as a "private university"⁵. The private university and persons working there shall be entitled to use designations and titles associated with higher education, in all cases with the addendum "of the private university ...". The private university shall, further, be entitled to award academic degrees to graduates of the study programmes offered by it, even with the same denominations as foreseen for academic degrees by the Universities Act 2002⁶, Federal Legal Gazette I No. 120/2002. The academic degrees homo-

² Universitäts-Akkreditierungsgesetz – UniAkkG.

³ Staatsgrundgesetz über die allgemeinen Rechte der Staatsbürger.

⁴ Reichsgesetzblatt (RGBl.).

⁵ „Privatuniversität“.

⁶ Universitätsgesetz 2002.

nymic to the academic degrees according to the Universities Act 2002 shall have the legal effects of the academic degrees according to the Universities Act 2002.

(2) The teaching staff and students of the private university shall receive treatment equal to that of teachers and students at Austrian state universities with regard to the provisions of the Settlement and Residence Act⁷, Federal Law Gazette I No. 100/2005, the Employment of Foreigners Act⁸, Federal Law Gazette No. 218/1975, and the decrees issued on the basis of said Acts.

(3) The Students Support Act 1992⁹, Federal Legal Gazette No. 305/1992, and the decrees issued on the basis thereof, the Student Hostels Act¹⁰, Federal Law Gazette No. 291/1986, the Family Allowances Act¹¹, Federal Law Gazette No. 376/1967, in respect of entitlement to family allowances, the provisions of social insurance regulations with regard to co-insurance of children, and the provisions of relevant tax regulations shall apply to the students of the private university.

(4) Students at private universities shall be members of the Austrian National Union of Students under the Union of Students Act 1998¹², Federal Legal Gazette I No. 22/1999.

(5) With regard to the taxation of donations to them, private universities shall be treated as universities in the meaning of § 4 para. 4 subpara. 5 lit. a of the Income Tax Act 1988¹³, Federal Law Gazette No. 400/1988.

Accreditation Council

§ 4. (1) An Accreditation Council shall be established to perform accreditations in accordance with this Act, and to supervise accredited universities.

(2) The members of the Accreditation Council shall in the exercise of their office be independent and not be bound by any instructions.

(3) The Accreditation Council shall have the right to obtain at accredited universities information as to all matters relevant to monitoring of the fulfilment of the requirements according to § 2. To the extent relevant to the exercise of the Accreditation Council's supervisory rights, the organs of the private university shall be obliged to supply information on its affairs, to submit files and documents about the subjects designated by the Accreditation Council and to have investigations carried out in situ.

(4) The private university shall submit to the Accreditation Council annual reports on its progress during the past year, which shall, as a minimum, include the following contents:

1. number of students attending and graduating from the various study programmes;
2. list of university teachers including information as to their scientific or artistic qualifications and achievements;
3. results of evaluation procedures in respect of the quality of research and teaching (if evaluations are performed annually; otherwise at least every second year);
4. changes in requirements with regard to staff, facilities and equipment according to § 2 subpara. 4, as compared to those stated in the previous report or, respectively, the application for accreditation.

(5) The Accreditation Council shall consist of eight members familiar with international university matters, appointed by the Federal Government, of whom four shall be nominated by the Rectors' Conference. Appointments to the Council shall include an appropriate number of women.

⁷ Niederlassungs- und Aufenthaltsgesetz – NAG.

⁸ Ausländerbeschäftigungsgesetz – AuslBG.

⁹ Studienförderungsgesetz 1992 – StudFG.

¹⁰ Studentenheimgesetz.

¹¹ Familienlastenausgleichsgesetz 1967.

¹² Hochschülerinnen- und Hochschülerschaftsgesetz 1998 – HSG 1998.

¹³ Einkommensteuergesetz 1988 – EStG 1988.

(6) The term of office of the members of the Accreditation Council shall, basically, be five years. An exception to this rule is the initial term of office after the entry into force of this Act, when three of the members nominated by the Rectors' Conference and three of those not so nominated shall serve for two years.

(7) The Federal Minister shall appoint a President and Vice-President out of the members of the Accreditation Council. Their term of office shall be three years, with the admissibility of immediate reappointment for one subsequent term of three years. The term of office of the President and Vice-President shall end upon leaving the Council.

(8) The Accreditation Council shall take its decisions by majority vote. Decisions of the Accreditation Council shall require a quorum of five members.

(9) The Accreditation Council shall submit an annual report on its activities to the National Council, by way of the Federal Minister.

(10) The Accreditation Council shall adopt rules of procedure, which shall be subject to the Federal Minister's approval.

(11) To assist the Accreditation Council in the conduct of its business, the Federal Minister shall establish an office and provide the necessary staff and equipment.

Accreditation Procedure

§ 5. (1) The decision on an applications for and withdrawal of accreditation in the meaning of this Act shall be by means of an official notification issued by the Accreditation Council. The decision of the Accreditation Council shall be subject to the approval of the Federal Minister prior to the issue of the official notification.

(2) In case of a decision to accept an application for accreditation, the accreditation notification shall, as a minimum, contain the following:

1. name of the institution;
2. type of legal relationship to be entered between the the private university and its students;
3. title, type, number of hours of tuition and duration of study programme(s) to be held at the private university;
4. denomination(s) of the academic degree(s) to be awarded by the private university;
5. period for which the accreditation is valid.

(3) The accreditation notification shall be supplemented or amended in the case of a change in the circumstances referred to by the official notification.

(4) Against an official notification of the Accreditation Council there shall be no regular legal remedy.

(5) As to the accreditation procedure, the General Administrative Procedure Act 1991¹⁴, Federal Legal Gazette No. 51, shall apply.

Duration of Accreditation

§ 6. (1) Accreditation shall expire five years after the entry into force of the accreditation notification, if the private university has not, in due time, applied for and received accreditation by official notification for further five years. The expiry shall be assessed by official notification.

(2) Following an uninterrupted accreditation period of ten years accreditation may be extended for further ten years.

(3) Accreditation shall also be, by official notification, withdrawn during an accreditation period according to paras. 1 and 2 in case of non-compliance with one of the requirements of

¹⁴ Allgemeines Verwaltungsverfahrensgesetz 1991 – AVG.

the accreditation notification according to § 2 for an uninterrupted period of six months or if studying according to § 2 subpara. 2 does no longer take place.

Supervision of the Federal Minister

§ 7. (1) The Accreditation Council shall be subject to supervision by the Federal Minister. The Accreditation Council shall be obliged to supply the Federal Minister with information on all of its affairs, to submit files and documents about the subjects designated by the Federal Minister and to have investigations carried out in situ.

(2) The Federal Minister shall, by official notification, withhold approval of a decision by the Accreditation Council on an application for accreditation if said decision is in conflict with interests of national educational policy. In the proceedings of the supervisory authority the Accreditation Council shall be a party and have the right to appeal to the Administrative Court¹⁵ against the final decision in the proceedings.

(4) An official notification of the Accreditation Council issued in the absence of the express approval of the Federal Minister according to § 5 para. 1 shall be null and void according to § 68 para. 4 subpara. 4 of the General Administrative Procedure Act 1991, Federal Legal Gazette No. 51.

Prohibition of Federal Funding

§ 8. No financial support may be extended by the Federal Government to a private university, with exception of payments in counterperformance of contracts for the rendering of teaching or research services by a private university, which the Federal Government may, in case of need, conclude with a private university for the purpose of supplementing the range of studies offered by state universities.

Entry into Force and Implementation

§ 9. (1) § 4 of this Act shall enter into force at the expiry of the day of its publication in the Federal Legal Gazette.

(2) *[irrelevant]*

(3) The remaining provisions shall enter into force on November 1, 1999.

(4) The Federal Minister for Science and Research¹⁶ shall be entrusted with the implementation of this Federal Act, except as otherwise provided for by para. 5.

(5) Differently from para. 4, the following authorities are entrusted with the implementation of this Act:

1. in respect of the application of the Settlement and Residence Act as provided for by § 3 para. 2, the Federal Minister for Interior¹⁷;
2. in respect of the application of the Employment of Foreigners Act as provided for by § 3 para. 2, and the application of the provisions of social insurance regulations with regard to co-insurance of children as provided for by § 3 para. 3, the Federal Minister for Social Security and Consumer Protection¹⁸;
3. in respect of the application of the tax regulations regarding child allowances and donations to private universities as provided for by § 3 paras. 3 and 5, the Federal Minister for Finance¹⁹;
4. in respect of the application of the Family Allowances Act as provided for by § 3 para. 3, the Federal Minister for Social Security and Consumer Protection.

(6) § 2, § 3 and § 9 para. 6 as amended by the Federal Act, Federal Legal Gazette I No. 54/2000, shall enter into force on September 1, 2000.

¹⁵ Verwaltungsgerichtshof.

¹⁶ Bundesminister/in für Wissenschaft und Forschung.

¹⁷ Bundesminister/in für Inneres.

¹⁸ Bundesminister/in für Soziales und Konsumentenschutz.

¹⁹ Bundesminister/in für Finanzen.