

Constitution

of

Rhine-Waal University of Applied Sciences

Dated 12 October 2015

*Please note: this English translation is provided for information purposes only.
Only the original German texts published in the Official Notices of Rhine-Waal
University of Applied Sciences are legally binding.*

Section 1

Name, emblems and seals of the University

- (1) The University shall bear the name “Hochschule Rhein-Waal” and the addendum “University of Applied Sciences”.
- (2) The University is entitled to bear the English name “Rhine-Waal University of Applied Sciences” for interacting with international audiences.
- (3) The University shall bear both the emblem and the small seal of the federal state of North Rhine-Westphalia.

Section 1a

Commitment to the principles of equity and diversity

- (1) The University shall actively contribute to a more sustainable, peaceful and democratic world by calling upon all members – in particular its professors and lecturers – to reinforce peace-promoting and peace-preserving aspects in academics, teaching and research, to nurture democratic consciousness, and to encourage democratic behaviour.
- (2) In accordance with its mission statement, the University shall engage in international and intercultural exchange across all organisational areas and actively confronts every form of racism and discrimination it encounters. The University is particularly committed to promoting equal opportunities regardless of country of origin, sex, gender, religious affiliation or nationality.

Section 1b

Other duties of the University

The University shall promote and nurture interest in sport and culture among its students. Accordingly, it shall offer a wide range of sport and fitness opportunities to students through a university sport programme. The University shall also offer opportunities that promote the cultural development of students, particularly in the area of music.

Section 2

Committees, bodies and officeholders of the University

Where not otherwise specified by this Constitution, the provisions of the Higher Education Act of North Rhine-Westphalia (hereinafter 'HG NRW') shall apply directly to committees, bodies and officeholders of Rhine-Waal University of Applied Sciences in terms of the respective composition, tasks and responsibilities, areas of authority and terms in office. Furthermore, committees of the University must fully adhere to the gender equality provisions in Section 11c HG NRW.

Section 3

Executive Board

(1) Rhine-Waal University of Applied Sciences shall be led by a President and an Executive Board [Präsidium]. The Vice-President responsible for the areas of finance and human resources shall carry the title of Chancellor.

(2) The President of the University shall establish, notwithstanding Section 19 HG NRW, the policies of the Executive Board with regard to the execution of its duties and responsibilities.

(3) The Executive Board may not pass resolutions without the consenting vote of the President. The President is entitled to forgo this right in individual cases.

(4) The Executive Board may clearly define areas of responsibilities for its presiding members based on the recommendations of the President, in which they shall bear responsibility for the day-to-day administering of corresponding tasks and duties, notwithstanding Section 19 HG NRW. Further details are set forth in the Rules of Procedure of the Executive Board.

Section 4

Terms in office and election of Executive Board members

(1) A term in office for the President is six years; a term in office for the Chancellor is eight years.

(2) A term in office for the Vice-Presidents is six years; however, for Vice-Presidents the terms in office end concurrently with the President's term in office at the latest.

Section 5

University Council

(1) The University Council shall consist of six members from outside of the University (external members) and four members from the University (internal members).

(2) The University Council shall elect a chair and a deputy chair from among its external members by simple majority vote.

Non-binding English translation – only the original German texts published in the Official Notices of Rhine-Waal University of Applied Sciences are legally valid.

Section 6

Senate

(1) The Senate consists of the following voting members:

- ten members from among the professors at the University;
- five members from among the academic staff;
- five members from among the non-academic (technical and administrative) staff;
- five members from among the student body.

For matters which fall under those listed in Section 22 (4) sentence 1 HG NRW or matters otherwise related to research, each professor-member shall be granted voting power weighted 1.6 times greater than that of the other members of the Senate. In all other matters, the members representing the academic staff, non-academic staff and student body shall be granted voting power weighted 2.0 times greater than that of the professors.

(2) The Senate also includes the following non-voting members:

- the President;
- the Vice-Presidents;
- the Chancellor;
- the Deans;
- the designated confidant for disabled students;
- the Special Needs Commissioner;
- the Commissioner for Disabled Students and Students with Chronic Illnesses;
- the Chair of the Non-Academic Staff Council;
- the Chair of the Academic Staff Council;
- the Chair of the General Students' Committee (AStA);
- the Equal Opportunities Commissioner.

(3) The term in office for student members of the Senate is one year; for all other members two years.

(4) The voting members of the Senate shall elect a chair from among the group of professor members.

Section 6a

Initiatives from members of the University

Should a member of the University have an issue that falls under the legal responsibilities of a specific body of the University, then that member is entitled to submit a direct request for that body to consider and rule on the issue in an official capacity. Further details are set forth in the Election Regulations for the Committees and Bodies of Rhine-Waal University of Applied Sciences.

Section 7

University Election Assembly

(1) The University Election Assembly comprises two halves: one half consists of all members of the Senate and the other half of all members of the University Council.

(2) Members of the University Election Assembly, who are also members of the Senate, shall have voting power if they are voting members of the Senate. Members of the University Election Assembly, who are also members of the University Council, shall have voting power if they are external members within the meaning of Section 21 (3) sentence 2 HG NRW.

(3) The University Election Assembly shall have a quorum when more than half of the voting members (paragraph (2)) are present among both the Senate members and the University Council members.

(4) Both groups in the University Election Assembly shall have equal voting power. In order to ensure an equal distribution of voting power, votes are weighted according to the composition of the University Election Assembly. Accordingly, votes from the group of Senate members and votes from the group of the University Council are weighted separately by the whole-number factors needed to produce the lowest common multiple.

(5) The University Election Assembly convenes at the behest of its chair or deputy chair. If a chair or deputy chair has yet to be appointed, the University Election Assembly shall convene at the joint behest of the chairs of the Senate and the University Council and elect from among their members a chair and a deputy chair by majority vote with separate ballots.

Section 7a **Election of Executive Board members**

(1) To prepare for the election of new members to the Executive Board, the University Council and the Senate shall jointly establish a Selection Committee. This will occur at least 18 months before the current President's term in office is scheduled to end. The Selection Committee must comprise an equal number of members from both the University Council and the Senate. The terms in office for members of the Selection Committee shall end concurrently with their respective terms in office in the University Council or Senate.

(2) The University Council shall elect three people for the Selection Committee from among their members. The Senate shall also select elect people for the Selection Committee from among their members with the added stipulation that these members are not currently members of the Executive Board and at least one of them is a professor at the University.

(3) The members of the Selection Committee shall elect from among their members a chair and a deputy chair.

(4) The Selection Committee shall have a quorum when a majority of its members are present. Voting rights may not be delegated or transferred to others.

(5) Selection Committee meetings are not open to non-members. The Equal Opportunities Officer shall, however, attend meetings in an advisory capacity.

(6) The offices of President and Chancellor, with their corresponding duties and obligations, shall be advertised publicly in an open call for candidates. This open call shall be initiated by the Selection Committee. The Selection Committee shall decide upon the selection criteria and the wording of the open call.

(7) The Selection Committee shall screen candidates based on submitted applications and invite shortlisted candidates for a face-to-face interview. After interviewing the shortlisted candidates, the Selection Committee shall finalise a list of recommended candidates, clearly ranked by order of preference, and subsequently submit this list to the University Election Assembly. Should there be a lack of suitable candidates, the Selection Committee is entitled to initiate another open call for candidates.

(8) The chair of the Selection Committee shall be responsible for justifying the recommendations made by the Selection Committee. After submission of the list of recommended candidates, the University Election Assembly shall vote to elect new members to the Executive Board, which requires for each candidate both a majority of total votes in the University Election Assembly, as well as a majority of votes within each of its constituent halves.

(9) If no candidates are elected, the University Election Assembly shall annul the selection process and initiate a new open call for candidates.

(10) The University Election Assembly shall elect new Vice-Presidents to the Executive Board by recommendation of the newly elected President. Professors currently employed at the University are eligible for election to the offices of Vice-Presidents. One Vice-President position, however, may be filled by a candidate elected from the wider pool of academic staff at the University.

Section 7b Deselection of Executive Board members

(1) The University Electoral Committee can deselect any member from the Executive Board with a five-eighths majority of votes.

(2) Deselection prematurely ends the term in office for that particular Executive Board member.

(3) Should a member of the Executive Board be deselected, his or her duties and responsibilities will be assumed by the remaining members in accordance with the Executive Board's currently valid guidelines for the allocation of duties.

(4) The election of a replacement member to the Executive Board, as outlined in Section 17 (1) HG NRW, shall occur immediately and in cooperation with the Selection Committee.

(5) The University Council can submit a motion for deselection to the University Electoral Committee with a five-eighths majority of voting members. The Senate can submit a motion for deselection to the University Electoral Committee with a five-eighths majority of its voting members. The motion for deselection must be introduced as a special agenda item during an ordinary session of the University Council or Senate. The member of the Executive Board up for deselection must be given sufficient opportunity for a response.

Section 8 University Conference

(1) The University Conference shall meet at least once per year to consider and discuss the current state, future development perspectives and the guiding mission statement of the University.

- (2) The University Conference consists of:
- the members of the Executive Board;
 - the members of the Senate;
 - the members of the University Council;
 - the Deans;
 - the General Students' Committee (AStA);
 - the central Equal Opportunities Officer;
 - the Staff Councils (academic and non-academic);
 - the designated confidant for disabled students;
 - the Special Needs Commissioner;
 - the Commissioner for Student Assistants;
 - the Data Privacy Commissioner.
- (3) The President shall chair the sessions of the University Conference.
- (4) The University Conference shall draw up its own rules of procedure.

Section 9

University Commissions

- (1) For the purpose of providing relevant expert advice to the Executive Board, the Senate, the Faculties and other institutions of the University, four commissions shall be established with the following competency fields:
1. Commission for Research and Outreach;
 2. Commission for Teaching, Studies and Continuing Training;
 3. Commission for Finances;
 4. Commission for Planning and Structure.
- (2) The demarcation between areas of responsibilities of the commissions shall be defined by the Senate, in agreement with the Executive Board.
- (3) Each commission shall consist of the following members with voting power:
- the Executive Board member who is responsible for that particular competency field;
 - five representatives from among professors at University, with each faculty being represented;
 - two representatives from among the academic staff;
 - one representative from among the non-academic staff;
 - two representatives from among the student body.

Each commission shall elect a Chair and a Deputy Chair from among its own members.

- (4) The Senate shall elect the commission members listed in paragraph (3) separately by groups. The term in office of commission members is two years; for student members, the term in office is one year. In order to be elected, a candidate must receive a majority of votes in the Senate as a whole, as well as a majority of votes in the Senate group they represent. Further details are set forth in the Rules of Procedure of the Senate. These can stipulate that beginning with the second ballot, receiving a majority of votes in the Senate group they represent (see sentence 3) shall be the deciding factor for election.

(5) When necessary, other members of the University can be called upon to assist university commissions in an advisory capacity.

(6) The bodies of Rhine-Waal University of Applied Sciences as well as its faculties, commissions and functionaries are obliged to disclose information relevant to their areas of responsibility upon request by the chairs of the standing committees of the University.

Section 9a

Quality Improvement Commission for Teaching and Studies

(1) For the purposes of providing relevant expert advice to head functionaries and continuously improving the quality of teaching and study conditions at the University, a central Quality Improvement Commission for Teaching and Studies shall be established within the meaning of the Study Quality Act of North Rhine-Westphalia of 1 March 2011 [Studiumsqualitätsgesetz].

(2) The commission shall be allotted the duties and responsibilities outlined in Section 4 (1) of the aforementioned Study Quality Act NRW.

(3) The commission shall consist of the following voting members:

1. the Executive Board member responsible for this area;
2. two representatives from among the professors at the University;
3. two representatives from among the academic staff;
4. two representatives from among the student body.

(4) The members specified in paragraph (3), numbers 2 to 4, shall be elected to the commission by the Senate.

(5) The term in office for student members shall be one year; for all other members two years.

(6) The commission shall elect a chair from among its voting members.

(7) Should quality improvement funds be distributed to the individual faculties as a lump sum (within the meaning of Section 4 (3) sentence 1 Study Quality Act NRW), then the faculties are obliged to establish corresponding decentral Quality Improvement Commissions in order to assist the Deans and the Executive Board in an advisory capacity. The composition of voting members for these decentral Quality Improvement Commissions shall mimic paragraph (3). For the terms in office and the election of the deputy chairs, paragraphs (4) and (5) shall apply analogously. Further details on the election of faculty commissions are set forth in the Faculty Regulations.

Section 9b

Other commissions

(1) When necessary, the Senate shall establish other commissions to act in an advisory capacity. Further details are set forth in the Rules of Procedure of the Senate.

(2) Each advisory commission formed by the Senate shall be composed of no more than the following voting members:

1. one professor from among the voting members of the Senate;
2. one professor from each faculty;
3. two representatives from among the academic staff;
4. one representative from among the non-academic staff;
5. two representatives from among the student body.

Non-binding English translation – only the original German texts published in the Official Notices of Rhine-Waal University of Applied Sciences are legally valid.

In addition, each commission may include one member of the Executive Board.

(3) The Senate as a whole shall elect the members of commissions, with the exception of the Executive Board member, separately and by group from among the members of the University based on its own proposals or proposals submitted by the faculties, student representatives, committees or other institutions of the University. The member from the Executive Board shall be selected by the Executive Board itself.

Commissions can be expanded to include other non-voting members.

(4) Members of a commission shall elect a chair and a deputy chair from among their members.

(5) When the term in office of a Senate member ends, so does that member's term in office in any commissions. If a member prematurely resigns from a commission, then a replacement member shall be elected for the remainder of the resigning member's term in office.

(6) The Rules of Procedure of the Senate shall apply analogously to commissions. Commission meetings are not open to the public.

Section 10

Faculties, Faculty Conference

(1) The academic departments of Rhine-Waal University of Applied Sciences shall be officially referred to as "faculties".

(2) The Faculty Conference, a coordinating commission composed of the Deans of all faculties, shall assist the Executive Board, the Senate and the University Council in an advisory capacity.

Section 11

Deans, Vice-Deans

(1) The Deans head their respective faculties and represent them in other areas of the University.

(2) Each Dean is represented by a Vice-Dean.

(3) The term in office for both Deans and Vice-Deans is four years.

(4) Deviating from paragraphs (1) to (3), the Faculty Regulations for each faculty may stipulate that the duties and responsibilities of Deans outlined in the Higher Education Act of North Rhine-Westphalia shall instead be assumed by a collective Dean's Office [Dekanat]. The Dean's Office shall be composed of the Dean and two Vice-Deans. Faculty Regulations may also provide for up to two additional Vice-Deans. Members of the Dean's Office shall be elected by their respective Faculty Council via a simple majority of votes. The term in office for members of the Dean's Office shall be four years; the term in office for student members one year. The Dean shall remain responsible for representing the faculty in other areas of the University. Further, resolutions of the Dean's Office cannot be passed without the consenting vote of the Dean. The Faculty Council shall be responsible for appointing one of the Vice-Deans to the post of Associate Dean of Studies. The Dean and the Vice-Dean who represents the Dean must be elected from among the professors at the University. No more than half of the Vice-Deans may be elected from other groups at the University as defined by Section 11 (1) sentence 1 HG NRW.

Section 12 Faculty Council

- (1) Each Faculty Council shall be composed of the following voting members:
 - six representatives elected from the pool of instructors at the university,
 - one representative from among the academic staff,
 - one representative from among the non-academic staff,
 - three representatives from among the student body.
- (2) Each Faculty Council shall also include the following non-voting members:
 - the Dean,
 - the Vice-Dean, or
 - the Dean's Office if Section 11 (4) applies.
- (3) The term in office for student members is one year; for all other members two years.
- (4) The Dean shall chair the Faculty Council.

Section 12a Initiatives from members of the faculties

Should a member of a faculty have an issue that clearly falls under the legal responsibilities of a specific body of the faculty or the faculty's Study Advisory Council [Studienbeirat], then that member is entitled to submit either a direct request for that body to consider and rule on the issue in an official capacity or a request for the Study Advisory Council to issue a recommendation, respectively. Further details are set forth in the Election Regulations for the Committees and Bodies of Rhine-Waal University of Applied Sciences.

Section 13 Equal Opportunities Commission, Equal Opportunities Commissioner

- (1) The members of the university shall elect a central Equal Opportunities Commission within the meaning of Section 24 (4) HG NRW, which shall be composed of two members (one male, one female) from each group defined in Section 11 (1) sentence 1 HG NRW, whereby the female and male representatives for each group shall be elected by the female and male members from that group, respectively. The Equal Opportunities Commission supports the University and the Equal Opportunities Commissioner in an advisory capacity in all matters of family and gender policy at the University. The term in office for student members is one year; the term in office for all other members is four years. Further details are set forth in the Election Regulations for the Committees and Bodies of Rhine-Waal University of Applied Sciences.
- (2) The Equal Opportunities Commission shall elect the Equal Opportunities Commissioner. Candidates shall be nominated via a university-wide open call for nominations. The Equal Opportunities Commissioner shall have two deputy representatives – one for each campus in Kleve and Kamp-Lintfort – who shall be elected by the Equal Opportunities Commission based on the recommendation of the Equal Opportunities Commissioner. The Equal Opportunities Commissioner shall also chair the Equal Opportunities Commission. The Equal Opportunities Commissioner and her deputy representatives shall be elected for a term of four years. If an appeal made by the Equal Opportunities Commissioner is overruled (within the meaning of the rights granted by Section 19 Equal Opportunities Act of North Rhine-Westphalia [Landesgleichstellungsgesetz NRW]), then the Equal Opportunities Commission shall draw up an official opinion on the matter.
- (3) The faculties shall also appoint decentral Equal Opportunities Commissioners and their deputy representatives. Further details on the election of decentral Equal Opportunities Commissioners and their deputy representatives are set forth in the Faculty Regulations.

Non-binding English translation – only the original German texts published in the Official Notices of Rhine-Waal University of Applied Sciences are legally valid.

Section 13a

Election of Equal Opportunities Commissioners and their representatives

- (1) At the beginning of its term in office, a newly constituted Equal Opportunities Commission shall elect the Equal Opportunities Commissioner, followed by her deputy representatives in accordance with her recommendations.
- (2) When electing an Equal Opportunities Commissioner, each member of the Equal Opportunities Commission shall cast one vote. Equal Opportunities Commissioners are elected by secret ballot.
- (3) If only one candidate is up for election, then her appointment will be decided by simple aye/nay ballot. The candidate shall be elected if she receives a majority of aye votes from the present voting members of the Equal Opportunities Commission.
- (4) If multiple candidates are up for election, then they shall be listed alphabetically on a ballot which allows for the election of a single candidate. The candidate who receives a majority of votes from the present voting members of the Equal Opportunities Commission shall be elected.
- (5) If no candidate receives a majority of votes, then a second round of voting shall occur. If again no majority consensus is reached, then a third round of voting shall be held between the two candidates who received the most votes in the second round of voting. The winner of the third round of voting is the candidate who receives the highest number of votes. In the event of a tie, the winner shall be determined by drawing lots.
- (6) If only one candidate stands for election in the third round of voting, then she is elected when she receives more aye votes than nay votes.
- (7) Paragraphs (2) through (6) shall apply analogously to the election of the deputy representatives of the Equal Opportunities Commissioner.

Section 13b

Commissioner for the interests of student assistants

- (1) Students at the University shall elect, based on the nomination of the Student Parliament and in accordance with its by-laws, a student who, in accordance with Section 46a (2) HG NRW, will represent the interest of student research or artistic assistants within the meaning of Section 46 HG NRW, who do not possess a completed and thematically relevant university degree relating to their position.
- (2) All currently enrolled students are eligible for election.
- (3) The term in office for the student shall be one year.
- (4) The elected student shall be officially appointed by the President of the University.
- (5) Further details are set forth in the Election Regulations for the Committees and Bodies of Rhine-Waal University of Applied Sciences.

Section 13c

Commissioner for Disabled Students and Students with a Chronic Illness

- (1) The University shall appoint a student who, in accordance with Section 62b (2) HG NRW, shall represent the interests of disabled students or students with a chronic illness.
- (2) All currently enrolled students are eligible for election.
- (3) The elected student shall be officially appointed by the President of the University.
- (4) The term in office for the student shall be one year.
- (5) Further details are set forth in the Election Regulations for the Committees and Bodies of Rhine-Waal University of Applied Sciences.

Section 14

Rights of the householder

The President shall have the authority to forbid entrance or ban persons from the premises of the University (rights of the householder). The President may entrust this authority to other members or affiliates of the University. Further details are set forth in the Rules of Conduct of the University.

Section 15

Public announcements

- (1) Statutes and regulations of the University and of the Student Parliament shall be published in the sequentially numbered Official Announcements [Amtliche Bekanntmachungen] of Rhine-Waal University of Applied Sciences.
- (2) The President shall oversee the final legal due diligence for new statutes and regulations of the University and grant final signatory approval. Statutes and regulations which do not include explicit provisions for their entry into force shall enter into force on the day after their publication in the Official Notices of the University.
- (3) The Official Notices shall be published on the website of the University.

Section 16

Annual financial report

- (1) The University shall produce an annual financial report after the conclusion of each fiscal year.
- (2) At the behest of the Chancellor, the University Council shall commission an audit of the annual financial report. The results of the audit shall then be presented to the Executive Board and the University Council. Once the University Council provides its express endorsement, both the annual financial report and the results of the audit shall be formally presented to the Senate.

Section 17

Entry into force

- (1) This Constitution shall be published in the Official Notices of Rhine-Waal University of Applied Sciences. It shall enter into force on the day after its publication.

Non-binding English translation – only the original German texts published in the Official Notices of Rhine-Waal University of Applied Sciences are legally valid.

(2) The Constitution of Rhine-Waal University of Applied Sciences from 13 July 2009 (published in Official Notices 1/2009), in the amended form produced by the Tenth Amending Statutes of 19 May 2014 (Official Notices 18/2014), shall be overridden by the entry into force of this new Constitution from 12 October 2015.

Section 18 **Transitional provisions**

(1) Until a newly elected Senate is constituted – or until 1 March 2016 at the latest – the previously constituted Senate and its commissions shall remain unchanged in their acting capacity on a provisional basis.

(2) For matters which do not fall under those listed in Section 22 (4) sentence 1 HG NRW and are otherwise unrelated to research, the votes of Senate members shall be weighted as follows: votes from the group of professors shall be assigned a weighting factor of 3; votes from the group of academic staff a weighting factor of 10; votes from the group of non-academic staff a weighting factor of 15; and votes from the group of students a weighting factor of 7.5.

(3) These transitional provisions shall expire upon constitution of the new Senate, or until 1 March 2016 at the latest.

Note: The Constitution of Rhine-Waal University of Applied Sciences entered into force on 20 October 2015.