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Social Regulations of the Student Body

Rhine-Waal University of Applied Sciences

Dated 15 March 2019
(Official Notice 18/2019)

As amended by the first amending statutes from 28 March 2020
(Official Notices 5/2020)

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Section 1
Social committee

- (1) The social committee is a standing committee of the Student Parliament (StuPa) and consists of five elected StuPa members with voting power.
- (2) The committee holds meetings together with the social department and the finance department of the General Student Committee (AStA). Both departments are considered regular members of the social committee with voting power and are represented by their respective department heads.
- (3) Each member of the social committee is entitled to one vote. In the event of a tie, the chairperson shall cast the deciding vote.
- (4) The social committee shall elect a chairperson from among its five StuPa members; this chairperson is responsible for organising and implementing committee meetings. Additionally, the social committee shall elect a deputy chairperson to assume the tasks of the chairperson in his or her absence.
- (5) The social committee shall have a quorum if, in addition to the chairperson or the deputy chairperson, at least three other members of the social committee are present.
- (6) Should a motion be put forth for discussion by any member of the social committee, then that member shall reclude himself or herself from the discussion.
- (7) The members are bound to secrecy regarding all discussed motions and any related information.
- (8) The committee shall meet as needed, but at least twice per semester, and meetings shall be closed to the public.

Section 2
Tasks of the social committee

- (1) The social committee shall be responsible for the following:
 - a) providing financial relief or reimbursement of the mobility contribution in accordance with these Regulations,
 - b) allocating resources in the form of loans for students in financial emergencies in accordance with these Regulations,
 - c) extending the term of loans whose allocation is governed by these Regulations,
 - d) deciding on debt management or relief options for loans governed by these Regulations,
 - e) advising StuPa with regard to planned changes to these Social Affairs Regulations.
- (2) The social committee can decide with an absolute majority that regular cases of reimbursement for the mobility contribution shall instead be handled by the finance department of AStA. In cases of doubt, requests shall be submitted to the social committee for a decision.
- (3) The head of the AStA financial department shall be responsible for decisions pursuant to Section 2 (1) (d) for claims exceeding €70.

Section 3
Heads of the social department

- (1) The heads of the social department shall organise advising services regarding loans for students for their respective campus. They should inform students not only of loan possibilities offered by student body, but also other loan and financing options available in Germany.
- (2) The heads of the social department are responsible for requests received for their respective campus. The head of the social department is eligible to vote on behalf of the social department in discussions for requests received for his or her campus.
- (3) The heads of the social department cannot transfer authority conferred by these Regulations to the head of the

financial department.

- (4) The heads of the social department can transfer their authority to another member of AStA via written authorisation for up to four weeks, subject to approval by the chair of AStA.
- (5) To transfer their authority, the heads of the social department must draft and sign a written authorisation that is then countersigned by the authorised person, the chairperson of AStA and the head of the social committee and filed.
- (6) The authorisation shall end:
 - a) immediately when revoked in writing, with the revocation addressed to the chairperson of AStA and the head of the social committee, and the heads of the social department, b) after expiration of the authorisation period,
 - c) upon leaving AStA,
 - d) when the term in office of the heads of the social department ends,
 - e) through loss of legal capacity.

Section 4

Financial support provided by the student body

- (1) The student body of Rhine-Waal University of Applied Sciences shall endeavour to provide financial support to its students with its available resources. Support can take the following forms:
 1. Reimbursement of the mobility contribution (refer to Sections 6 to 8)
 2. Loans (refer to Section 9 onwards)
- (2) The granting of financial support in accordance with these Regulations is subject to the availability of social committee funds earmarked for this purpose.
- (3) Financial support is granted according to specific criteria for the type of support being provided. The social committee shall discuss and decide whether the relevant criteria have been met. It is responsible for recognising that the necessary preconditions for support have been met and deciding on the amount of financial support to be granted.
- (4) If more applications are received than financial resources are available, then, for those applications which meet all preconditions and criteria, the time of receipt shall be the deciding factor for the allocation of resources.

Section 5

Rejection of applications

Negative decisions, in particular full or partial refusals of financial support, must be communicated to the applicant in writing and include an explanation of the decision and available legal recourse.

Section 6

Reimbursement of the mobility contribution

- (1) The mobility contribution shall be reimbursed upon request for the following students:
 - a) students de-registered from the University before the end of the semester, but after the start of the lecture period,
 - b) students who enrolled late in the current semester, but due to no fault of their own,
 - c) students for whom the mobility contribution represents an unreasonable financial hardship in accordance with the definition in Section 13.
- (2) Delayed semester re-registration is not valid grounds for reimbursement.
- (3) Reimbursement of the mobility contribution in accordance with Section 5 of the Contribution Regulations of the

Student Body shall render any remaining claim null and void.

Section 7

Application process

- (1) Requests for reimbursement of the mobility contribution must be submitted in writing to the social committee, stating the reason for reimbursement, and before the deadlines specified in subsection (2). Requests must include the following information and documents:
 - a) surname and first name,
 - b) matriculation number,
 - c) date of birth,
 - d) registered address in Germany,
 - e) bank information, in particular IBAN and BIC,
 - f) confirmation of enrolment at Rhine-Waal University of Applied Sciences for the current semester or confirmation of de-registration,
 - g) a brief justification for the request.
- (2) Requests for partial reimbursement of the mobility contribution pursuant to Section 6 (1) (a) must be submitted no later than the first day of the first month of reimbursement. Requests for partial reimbursement of the mobility contribution pursuant to Section 6 (1) (b) must be submitted within four weeks of enrolment. Requests for full reimbursement of the mobility contribution pursuant to Section 6 (1) (c) must be submitted within four weeks of the re-registration deadline for the current semester. The date of receipt is deciding. Late requests shall be rejected immediately without review.
- (3) Reimbursement on the grounds of Section 6 (1) (a) is only possible with proof of de-registration. Reimbursement on the grounds of Section 6 (1) (c) is only possible with proof of a missing semester ticket imprint on the student ID card or in an equally suitable way.
- (4) Incomplete applications must be corrected by the applicant within four weeks. If the application is still incomplete after four weeks, it shall be rejected immediately without review. The date of the original application shall be considered the date of receipt with regard to Section 4 (4).
- (5) Rejection notices shall include an explanation of legal recourse. This explanation must also contain information about the possibility of an out-of-court settlement.

Section 8

Reimbursement amount

- (1) For requests in accordance with Section 6 (1) (c), the mobility contribution shall be reimbursed in full if proof pursuant to Section 7 (3) sent. 2 is provided before the start of the semester. If proof is provided at a later date, the reimbursement amount shall be reduced by one full semester month for each month that has commenced in the semester.
- (2) For requests due to de-registration in accordance with Section 6 (1) (a) that are placed before the end of the semester or for requests due to enrolment delays in accordance with Section 6 (1) (b), contributions shall be reimbursed according to the following scale:
 - a) 80% with at least five months remaining in the semester
 - b) 60% with at least four months remaining
 - c) 40% with at least three months remaining
 - d) 20% with at least two months remaining
- (3) No reimbursement will be provided if less than one month remains (i.e. de-registration in the sixth month of the semester, or delayed enrolment in the first month of the semester).

Section 9

Loans for students

- (1) Interest-free loans can be granted to students at Rhine-Waal University of Applied Sciences in accordance with the following. They serve to provide short-term relief to students facing a financial emergency. Interest-free loans shall be granted exclusively for the following purposes:
 - a) to pay for semester fees (Section 10)
 - b) for outstanding health insurance fees (Section 11)
 - c) for outstanding rent payments (Section 12)
- (2) Students are ineligible for a loan if:
 - a) the repayment schedule calls into question their ability to repay the loan,
 - b) their residence permit for the European Union expires within two months of the end of the loan agreement,
 - c) they have already received a student loan in accordance with these Regulations which has not yet been repaid in full,
 - d) they are enrolled in their first semester at Rhine-Waal University of Applied Sciences.
- (3) Loans requests shall only be approved with a two-thirds majority of members present in the social committee.
- (4) Loans must be requested via the official form provided by AStA of Rhine-Waal University of Applied Sciences. The application must be submitted to the social committee in accordance with Section 7 (1) and (4). Applications must include specific grounds for the request and provide a plausible and comprehensible repayment plan for the loan amount. Completed and signed applications must include the following documents:
 - a) proof that the applicant has engaged in debt counselling referred by AStA,
 - b) copy of the demands for outstanding fees from the health insurance provider in the case of loans within the meaning of Section 11,
 - c) proof of outstanding rent payments in the case of loans within the meaning of Section 12.
- (5) Loan payment shall be made by bank transfer to the corresponding creditor. Payments to the applicant himself/herself are only possible in exceptional, justified cases.
- (6) The treasurer of the AStA is tasked with keeping a record of all issued loans.
- (7) Prior to full repayment of a granted loan, no further loans may be granted to the same person. A one-time exception is possible if it can be demonstrated that a rejection would lead to unreasonable financial hardship.
- (8) The social committee may bundle loans for semester fees with loans for outstanding health insurance or rent payments. However, the total loan amount may not exceed the limit set by AStA.
- (9) Loans may not exceed a total amount of €1,380.

Section 9a

Emergency clause

In the case of force majeure, the social committee may temporarily suspend Section 9 (2) (d) and (4) (a), as well as Section 12 (1) sent. 1 and 2 of these Regulations. These decisions shall be made on a case-by-case basis.

Section 10

Loans for outstanding semester fees

- (1) Loans can be granted to students of Rhine-Waal University of Applied Sciences for the purpose of short-term funding of outstanding semester fees. Applications must be submitted at least four weeks before the end of the semester re-registration period in order to ensure a sufficient processing period. A loan for this purpose shall generally be granted only once in the course of the applicant's studies. Repeated loans for this purpose are only possible in extraordinary circumstances that can be justified with relevant proof.
- (2) The loan amount may not exceed the current amount of the semester fee at the time of application
- (3) The term for a loan intended for semester fees may not exceed six months. An extension of up to six months is possible upon request. The extension request must be submitted in writing to the social committee and include sufficient justification.

Section 11

Loans for outstanding health insurance fees

- (1) Loans can be granted to students of Rhine-Waal University of Applied Sciences for the purpose of short-term repayment of outstanding health insurance fees. A loan for this purpose shall generally be granted only once in the course of the applicant's studies. Receiving another loan for this purpose is only possible in extraordinary, justified and sufficiently documented cases.
- (2) The loan amount may not exceed the total amount of outstanding fees.
- (3) The term for a loan intended for outstanding health insurance fees may not exceed three months. An extension of up to three months is possible upon request. The extension request must be submitted in writing to the social committee and include sufficient justification.

Section 12

Loans for outstanding rent

- (1) Loans can be granted to students of Rhine-Waal University of Applied Sciences for the purpose of short-term repayment of outstanding rent if they are at least two months in arrears. This loan is also open to students who have defaulted on at least two partial payment deadlines and the total outstanding amount reaches two months' rent. A loan for this purpose shall generally be granted only once in the course of the applicant's studies. Receiving another loan for this purpose is only possible in extraordinary, justified and sufficiently documented cases.
- (2) The loan amount may not exceed the amount of one month's rent, including ancillary costs.
- (3) The term for a loan intended for outstanding rent may not exceed six months. An extension of up to six months is possible upon request. The extension request must be submitted in writing to the social committee and include sufficient justification.

Section 13

Loan deferment

- (1) A deferment is an agreed-upon delay in a loan's repayment beyond the deadline for the full or partial amount of the loan.
- (2) Loans granted in accordance with these Regulations may be fully or partially deferred if:
 - a) their repayment before the original deadline would result in unreasonable financial hardship for the borrower and
 - b) a deferment does not appear to jeopardize the repayment of the loan.
- (3) Deferments must be requested in writing to the social committee. Requests shall be denied if there are further arrears or loan recovery measures have already been initiated. When a loan is granted, the claim of the lender is deferred in accordance with a contractual agreement.

- (4) The duration of the deferment depends on the circumstances of the individual case; however, it should not exceed the duration of one semester. The deferment can be revoked at any time.
- (5) Deferments shall be revoked:
- a) if the conditions for the deferment no longer apply,
 - b) in case of significant changes in ownership of the borrower,
 - c) when bankruptcy proceedings are initiated.

Section 14

Suspension of debt collection

- (1) A suspension of debt collection is the postponement of efforts towards collecting an outstanding loan without abandoning the lender's claim to repayment itself. It is the deliberate choice to forgo collection measures without waiving or forgiving the debt itself; the legitimacy of the claim is unaffected.
- (2) A suspension of debt collection is only possible if it can be established that the recovery of the loan will not succeed or if the costs of recovery are disproportionate to the remaining amount of the claim. Suspensions may be temporary or permanent.
- (3) Temporary suspensions are possible if recovery of the loan is likely to be unsuccessful for a foreseeable period of time due to the borrower's current economic situation.
- (4) Permanent loan relief is possible:
- a) if, according to the factual and legal situation, it can be assumed that collection attempts will remain permanently unsuccessful, or
 - b) in the case of claims up to €100, for which, following an unsuccessful collection attempt, the recovery costs become disproportionate to the amount of the claim; this does not apply if recovery is required for reasons of principle.
- (5) Temporary suspensions of debt collection can become permanent if it can be assumed that further attempts at collection will have no long-term success.

Section 15

Debt forgiveness

- (1) Debt forgiveness is the lender's full or partial waiving of a loan repayment claim.
- (2) Debt from loans granted in accordance with these Regulations may be fully or partially forgiven if:
- a) the claim can be considered permanently unrecoverable due to the economic circumstances of the borrower or for other reasons, or
 - b) the recovery costs are disproportionate to the amount of the claim, unless recovery is required for reasons of principle, or
 - c) it can be established that loan recovery would result in an unreasonable financial hardship for the borrower based on his or her individual circumstances.
- (3) Debt forgiveness must be requested in writing to the social committee. If the request is approved, the loan claim will be forgiven via contract pursuant to Section 397 of the German Civil Code (BGB).

Section 16

Definitions

- (1) "Unreasonable financial hardship" is defined as a situation in which a student is unable to cover his or her basic living costs. This includes food, clothing, toiletries, household goods, household energy, mandatory insurances and unavoidable study-related expenses.
- (2) A risk to the claim is defined as the real possibility that the borrower will endeavour to evade his or her obligation of payment or if there are circumstances which indicate a significant deterioration in his or her economic situation.

Section 17

Entry into force

These Regulations shall enter into force on the day after their publication in the Official Notices of Rhine-Waal University of Applied Sciences.

Note: These Social Regulations entered into force on 17 April 2020.