

Constitution

of Rhine-Waal University of Applied Sciences

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Preamble

Rhine-Waal University of Applied Sciences stands for high standards of quality in teaching, research and knowledge transfer. We are regionally anchored, internationally networked and committed to the values of an open and pluralistic society. It is in this spirit that we embody the principles of internationality, diversity and heterogeneity.

Rhine-Waal University of Applied Sciences is dedicated to sustainable, forward-thinking teaching and research approaches which consider the necessary interplay between social, economic and ecological issues. All members of Rhine-Waal University of Applied Sciences are committed to respecting the dignity of others and representing its interests in rational discourse both on and off campus.

Section 1 Official name, emblems and seals

(1) The University will bear the name “Hochschule Rhein-Waal” in German, with the option of adding “University of Applied Sciences”.

(2) The University is also entitled to bear the name “Rhine-Waal University of Applied Sciences” in English for interacting with international audiences.

(3) The University will bear both the emblem and the small seal of the federal state of North Rhine-Westphalia.

Section 1a Civil clause

Rhine-Waal University of Applied Sciences will actively contribute to a more sustainable, peaceful and democratic world by urging all of its members – in particular its teaching staff – to promote peace-making and peace-preserving ideals in degree programmes, teaching and research, as well as to purposefully encourage democratic consciousness and behaviour.

Section 1b Other official duties

Rhine-Waal University of Applied Sciences will encourage its students and staff to pursue athletic and cultural endeavours. Accordingly, it will offer a wide range of sport and fitness options through an official sport programme. Furthermore, it will support students and staff in their artistic and cultural activities, particularly in the fine arts.

Section 2 Committees, governing bodies and officials

Where not otherwise specified herein, the provisions of the Higher Education Act of North Rhine-Westphalia (HG NRW) will apply directly to committees, governing bodies and officials at Rhine-Waal University of Applied Sciences with regard to composition, duties, authority and terms of office. Committees must adhere to gender equality requirements set forth in Section 11b HG NRW.

Section 3 Executive Board

(1) Rhine-Waal University of Applied Sciences is led by an Executive Board (*Präsidium*). The vice-president for finance and human resources will carry the title of chancellor (*Kanzler*).

(2) The president will establish the Executive Board's policies for the execution of its duties, notwithstanding the rights of the chancellor pursuant to Section 19 HG NRW.

(3) On the president's recommendation, the Executive Board may define specific operating areas for its members for which they will assume all relevant administrative tasks and duties, notwithstanding the rights of the chancellor pursuant to Section 19 HG NRW. Further details are set forth in the Rules of Procedure of the Executive Board.

Section 4 Terms of office in the Executive Board

(1) For the president, the initial term of office, as well as any subsequent terms, is six years; initial and subsequent terms of office for the chancellor are eight years each. The term of office for the vice-presidents is six years; the terms of office for vice-presidents who are primarily employed as professors at Rhine-Waal University of Applied Sciences will end, at the latest, with the current president's own term of office.

Section 5 Board of Governors

(1) The Board of Governors consists of six "external" members as well as four "internal" members from Rhine-Waal University of Applied Sciences.

(2) The Board of Governors will elect a chairperson and deputy chairperson from among the external members by simple majority vote.

Section 6 Senate

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

- Ten professors
- Five academic staff members
- Five non-academic staff members
- Five students.

For matters falling under Section 22 (4) sentence 1 HG NRW and matters directly relating to research, each professor's vote is weighted 1.6 times greater than the votes of other members. In matters directly relating to teaching (with the exception of quality assessment within the meaning of Section 7 (2) HG NRW) or the enactment of general examination regulations, each professor's vote is weighted 1.5 times greater than the votes of other members. In all other matters, the votes of academic staff members, non-academic staff members and students are weighted 2.0 times greater than that of the professors.

(2) The Senate also includes the following members without voting power:

- President
- Vice-presidents
- Chancellor
- Deans
- Disability liaison officer
- Representative for students with disabilities or chronic illnesses (Special Needs Officer)
- Chairperson of the non-academic staff council
- Chairperson of the academic staff council
- Chairperson of the General Student Committee (AStA)
- Equal opportunities officer.

(3) The term of office for student members is one year, and two years for all remaining members.

(4) The Senate will elect two professors as chairperson and deputy chairperson by simple majority vote.

Section 6a Member initiatives

Members of Rhine-Waal University of Applied Sciences are entitled to request that a specific governing body of the University consider and decide on a matter falling under its legal responsibilities. Further details are set forth in the Election Regulations for Committees and Governing Bodies of Rhine-Waal University of Applied Sciences.

Section 7 University election assembly

(1) The university election assembly is composed of two parts: one half consists of all members of the Senate and the other half all members of the Board of Governors.

(2) Members of the Senate with voting power may also vote in the university election assembly. The votes of Senate members who are also professors are weighted 1.6 times greater than the votes of other members. Members of the university election assembly who are also members of the Board of Governors have voting power only if they are external members within the meaning of Section 21 (3) sentence 2 HG NRW.

(3) The university election assembly has a quorum if more than half of the voting members from the Senate on the one hand and the Board of Governors within the meaning of subsection (2) on the other are present simultaneously.

(4) Both halves of the university election assembly will have equal voting power. In order to ensure equal voting power, votes will be weighted according to the composition of the university election assembly. Accordingly, votes from Senate members and votes from Board of Governors members will be weighted by the least common multiple that is also a whole number.

(5) The university election assembly convenes at the request of the chairperson or deputy chairperson. If a chairperson or deputy chairperson has yet to be appointed, the university election assembly will convene at the joint request of the chairpersons of the Senate and the Board of Governors and elect from among its members a new chairperson and deputy chairperson by majority vote and separate ballots.

Section 7a Election to the Executive Board

(1) To prepare for the election of new members to the Executive Board, the Board of Governors and the Senate will establish an official selection committee. This should occur at least 18 months before the end of the current president's term of office. The selection committee will be composed of an equal number of members from the Board of Governors and the Senate. The terms of office for members in the selection committee will end with the conclusion of their respective terms of office in either the Senate or the Board of Governors.

(2) The Board of Governors will select three of its members for the selection committee. The Senate will also select three of its members for the selection committee, but with the added stipulation that they are not members of the current Executive Board and at least one of them is a professor.

(3) A newly formed selection committee will elect a chairperson and deputy chairperson from among its members.

(4) The selection committee has a quorum when a majority of its members are present. Voting power may not be delegated or transferred to others.

(5) Selection committee meetings are not open to the public. The equal opportunities officer will attend meetings in an advisory capacity.

(6) The open positions for president and chancellor will be advertised publicly. The selection committee is responsible for advertising the positions. Furthermore, the selection committee is responsible for defining both the selection criteria and the wording of advertisement.

(7) The selection committee will screen initial applicants based on their submitted documents and invite shortlisted candidates to a personal interview. After interviewing candidates, the selection committee will issue an official recommendation to the university election assembly within the meaning of Section 17 (3) sentence 2 HG NRW. In the event of a lack of suitable candidates, the selection committee is entitled to initiate another public call for candidates.

(8) The chairperson of the selection committee is responsible for justifying the committee's recommendation. The university election assembly will vote to elect the new members of the Executive Board, which requires a majority of votes both in the university election assembly as a whole and in each of its constituent halves.

(9) If no candidates were elected, the university election assembly will formally conclude the selection process and initiate a new public call.

(10) The university election assembly will elect the new vice-presidents to the Executive Board based on the recommendation of the newly elected president. Professors at Rhine-Waal University of Applied Sciences are eligible for election as vice-president. However, one vice-president position may be filled by a member of the academic staff, provided that the professors on the Executive Board retain the majority of voting power.

Section 7b Removing members from the Executive Board

(1) The university election assembly may remove any member from the Executive Board without their consent with a five-eighths majority of votes.

(2) Successful motions to remove will end the Executive Board member's term of office, effective immediately.

(3) If a member is removed from the Executive Board, their duties will be assumed by the remaining members according to the Executive Board's plan for the allocation of duties.

(4) The election of a successor to the Executive Board in accordance with Section 17 (1) HG NRW should occur without delay and involve the selection committee.

(5) The Board of Governors can put a motion to remove to vote in the university election assembly with a five-eighths majority of its voting members. The Senate can put a motion to remove to vote in the university election assembly with a five-eighths majority of its voting members. Motions to remove an Executive Board member must be initiated as a special agenda item in a regular session of the Board of Governors or Senate. The member of the Executive Board directly affected by the motion to remove must be given sufficient opportunity for a response.

Section 8 (Intentionally omitted)

Section 9 Commissions

(1) In order to provide expert advice to the Executive Board, the Senate, the faculties and other institutions of Rhine-Waal University of Applied Sciences, three standing commissions will be established in following competency fields:

1. Commission for Research and Transfer
2. Commission for Teaching, Studies and Continuing Training
3. Commission for Developmental Planning and Finances.

(2) The specific areas of responsibilities of these commissions are defined by the Senate in coordination with the Executive Board.

(3) Each commission is composed of the following members with voting power:

- Seven professors, with each faculty being represented
- Two academic staff members
- Two non-academic staff members
- Two students.

The member of the Executive Board who is responsible for a commission's area of expertise is also a member of that commission, but without voting power. Each commission will elect a chairperson and a deputy chairperson from among its members.

(4) The members of commissions (excluding the Executive Board member) will be nominated by the Senate, the faculties, student representatives or other committees and departments of Rhine-Waal University of Applied Sciences and elected by the Senate via separate ballots. The Executive Board member will be elected by the Executive Board itself. Commissions can also include additional non-voting members.

(5) Other members of Rhine-Waal University of Applied Sciences can join commissions as non-voting advisors when necessary.

(6) Official bodies, faculties, committees and officials of Rhine-Waal University of Applied Sciences are obliged to disclose information within their areas of responsibility to the chairpersons of the University's standing commissions.

Section 9a Commission for the Improvement of Academic Quality

(1) The Commission for the Improvement of Academic Quality was established in accordance with the Academic Quality Act of North Rhine-Westphalia (*Studiumsqualitätsgesetz*), dated 1 March 2011, to provide expert advice to decision-makers on improving academic quality at Rhine-Waal University of Applied Sciences.

(2) The duties and responsibilities of the commission are set forth in Section 4 (1) of the Academic Quality Act.

(3) The commission is composed of the following voting members:

- Executive Board member responsible for academic quality
- Two professors
- Two academic staff members
- Six students.

(4) The commission members defined in subsection (3) numbers 2 to 4 are elected by the Senate in separate ballots based on group affiliation.

(5) The term of office for student members is one year, and two years for all remaining members.

(6) The commission will elect a chairperson and deputy chairperson from among its voting members by simple majority.

(7) If quality improvement funds are distributed to the faculties as lump sums (within the meaning of Section 4 (3) sentence 1 of the Academic Quality Act), faculties will establish their own decentralised academic quality improvement commissions to advise their respective deans and the Executive Board. Faculty academic quality improvement commissions will be composed in accordance with subsection (3). Subsections (4) and (5) apply analogously to terms of office and election of the deputy chairs. Further details on the election of faculty commissions are set forth in the faculty regulations.

Section 9b Other commissions

(1) The Senate will establish other advisory commissions as needed. Further details are set forth in the Senate's rules of procedure.

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

- One professor who is also a voting member of the Senate
- One professor from each faculty
- Two academic staff members
- One non-academic staff member
- Two students.

Each commission may also include one member of the Executive Board.

(3) Commission members (excluding members who are also in the Executive Board) will be nominated by the Senate, the faculties, student representatives or other committees and departments of Rhine-Waal University of Applied Sciences and elected by the Senate via separate ballots. The Executive Board member shall be selected by the Executive Board itself.

Commissions can also include additional non-voting members.

(4) Each commission will elect a chairperson and deputy chairperson from among its members.

(5) When the term of office of a member in the Senate ends, so does their term of office in any commissions they are currently a member of. If a commission member resigns, a replacement member will be elected for their remaining term of office.

(6) The Senate's rules of procedure 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 are hereby designated as "faculties".

(2) The faculty conference, a coordinating commission composed of the deans of all faculties, will assist the Executive Board, the Senate and the Board of Governors in an advisory capacity.

Section 11 Deans, vice-deans

(1) The deans lead their respective faculties and represent them within Rhine-Waal University of Applied Sciences.

(2) Each dean is represented by a vice-dean.

(3) The term of office for both deans and vice-deans is four years.

(4) Deviating from subsections (1) to (3), faculty regulations may stipulate that the duties and responsibilities of deans outlined in the Higher Education Act of North Rhine-Westphalia will be

assumed instead by an Office of the Dean (*Dekanat*). The dean's office is 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 are elected by the faculty council via a simple majority of votes. The term of office for members of the dean's office who are HSRW employees is four years; the term of office for student members is one year. Within a dean's office, the dean remains responsible for representing the faculty within Rhine-Waal University of Applied Sciences; the dean's office also cannot pass decisions without the support of the dean. The faculty council is responsible for appointing one of the vice-deans as associate dean of studies. The dean and the vice-dean must be professors of the respective faculty at Rhine-Waal University of Applied Sciences. No more than half of the vice-deans may be elected from other groups within the meaning of Section 11 (1) sentence 1 HG NRW.

Section 12 Faculty council

(1) Each faculty council is composed of the following voting members:

- Six professors
- One academic staff member
- One non-academic staff member
- Three students.

(1a) If the professors no longer retain a majority of votes after an election or following a resignation, then a by-election will be held. Further details are set forth in the election regulations.

(2) Each faculty council also includes the following non-voting members:

- Dean
- Vice-dean
- Dean's office (when Section 11 (4) applies).

(3) The term of office for student members is one year, and two years for all remaining members.

(4) The dean chairs the faculty council.

Section 12a Initiatives from faculty members

Members of a faculty are entitled to request that a governing body or the academic advisory board of their faculty (*Studienbeirat*) consider and decide (or issue a recommendation in the case of the academic advisory board) on matters falling under its legal responsibilities. Further details are set forth in the Election Regulations for Committees and Governing Bodies of Rhine-Waal University of Applied Sciences.

Section 12b

Composition of examination boards

(1) Deviating from Section 12 (1) sentence 5 HG NRW, examination boards may also include members of the faculty who are not simultaneously members of the faculty council.

(2) Non-academic staff, as defined under Section 11 (1) sentence 1 number 3 HG NRW, do not require representation within an examination board.

Section 13

Equal Opportunities Commission, equal opportunities officer

(1) The members of Rhine-Waal University of Applied Sciences will elect an Equal Opportunities Commission within the meaning of Section 24 (4) HG NRW, which will be composed of two members (one man, one woman) from each group defined in Section 11 (1) sentence 1 HG NRW, whereby the female and male representatives for each group will be elected by the female and male members of that same group, respectively. The Equal Opportunities Commission will advise and support Rhine-Waal University of Applied Sciences and the equal opportunities officer in all matters concerning family and gender policy at Rhine-Waal University of Applied Sciences. The term of office for student members is one year, and four years for all other members. Further details are set forth in the Election Regulations for the Committees and Governing Bodies of Rhine-Waal University of Applied Sciences.

(2) The Equal Opportunities Commission will elect a female member of Rhine-Waal University of Applied Sciences as equal opportunities officer. Candidates will be nominated via a university-wide call for nominations. The equal opportunities officer will have two deputy representatives – one for the Kleve Campus and one for the Kamp-Lintfort Campus – who will be elected by the Equal Opportunities Commission based on her recommendations. The equal opportunities officer will chair the Equal Opportunities Commission. The equal opportunities officer and her deputy representatives will be appointed by the president for a term of office of four years. The terms of office for the equal opportunities officer and her deputy representatives will end at the latest with the commission's term of office. If the equal opportunities officer or her deputy representatives resign from office prematurely, a replacement will be appointed for the remaining term of office. If an objection of the equal opportunities commissioner within the meaning of Section 19 of the Equal Opportunities Act of North Rhine-Westphalia (*Landesgleichstellungsgesetz*) is overruled, then the Equal Opportunities Commission will issue an official statement on the matter.

(3) The faculties will also appoint their own equal opportunities officers and deputy representatives. Further details on the election of equal opportunities officers and their deputy representatives in the faculties are set forth in the faculty regulations.

Section 13a

Election of equal opportunities officers and their deputy representatives

(1) Newly constituted Equal Opportunities Commissions will elect the equal opportunities officer and her deputy representatives based on her recommendation as its first order of business.

(2) Each member of the Equal Opportunities Commission is granted one vote in the election of the equal opportunities officer. Equal opportunities officers are elected by secret ballot.

(3) If only one candidate is nominated for election, then the election will be decided by simple ballot (aye/nay). The candidate will be elected if she receives a majority of aye votes from the present voting members of the Equal Opportunities Commission.

(4) If multiple candidates were nominated for election, they will be listed alphabetically on a single 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 will be elected.

(5) If none of the candidates receive a majority of votes, then a second round of voting will occur. If none of the candidates receive a majority of votes in the second round, a third round of voting will occur between the two applicants who tallied the most votes in the second round. The winner of the third round is the candidate who receives the highest number of votes between the two. In the event of a tie, the winner will be determined by drawing lots.

(6) If only one candidate remains by the third round of voting, she will be elected if she receives a simple majority of aye votes.

(7) Subsections (2) through (6) apply analogously to the election of the equal opportunities officer's deputy representatives.

**Section 13b
(Intentionally omitted)**

**Section 13c
Representative of Students with Disabilities or Chronic Illnesses
(special needs officer)**

(1) The Senate will elect a Representative of Students with Disabilities or Chronic Illnesses, or special needs officer (see Section 62b HG NRW), based on the Executive Board's recommendation. Professors, academic and non-academic staff members of Rhine-Waal University of Applied Sciences are eligible for election. The special needs officer is elected for a term of four years. Re-election is permitted. The elected employee will be released from an appropriate share of their normal duties in order to perform the tasks and duties of office.

(2) The elected employee will be supported by a student deputy representative who is elected by the student body. The student body is responsible for the nomination and election process for this position. All currently enrolled students are eligible for election. The elected student's term of office is one year. Re-election is permitted.

(3) Further details on these elections are set forth in the Election Regulations for Committees and Governing Bodies of Rhine-Waal University of Applied Sciences.

Section 13d Affiliates

In accordance with Section 9 (4) HG NRW, former students who successfully completed at least four semesters or earned their degree at Rhine-Waal University of Applied Sciences can request to become affiliates of the University; this status can be revoked again upon request.

Section 14 Domiciliary rights

The president possesses domiciliary rights for the premises of Rhine-Waal University of Applied Sciences. The authorisation to exercise these rights may be delegated to other members or affiliates of the University. Further details are set forth in the Campus Rules and Regulations of Rhine-Waal University of Applied Sciences.

Section 15 Official Notices

(1) Statutes, regulations and resolutions of Rhine-Waal University of Applied Sciences and the student body will be published in sequentially numbered Official Notices (*Amtliche Bekanntmachungen*). Official Notices are only published electronically via a publicly accessible publication server.

(2) Official final copies of newly enacted statutes and regulations of the Rhine-Waal University of Applied Sciences will be signed and formally issued by the president. Statutes and regulations without explicit provisions governing their entry into force will automatically enter into force on the day after publication of the original German-language version in the Official Notices of Rhine-Waal University of Applied Sciences.

Section 16 Annual financial report

(1) Rhine-Waal University of Applied Sciences will produce an annual financial report after every fiscal year.

(2) At the recommendation of the chancellor, the Board of Governors will commission an audit of the annual financial report. The results of the audit will be presented to the Executive Board and the Board of Governors.

Section 17 (Intentionally omitted)

Section 18 (Intentionally omitted)

Note: The Constitution of Rhine-Waal University of Applied Sciences entered into force in its current version on 26 April 2023.