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# Rules of procedure of the Senate

of Rhine-Waal University of Applied Sciences

Dated 15 December 2020

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## **Section 1 Members of the Senate**

- (1) The Senate consists of the members listed in Section 6 (1) of the Constitution of Rhine-Waal University of Applied Sciences, who have the right to submit motions, speak and vote.
  
- (2) The Senate also consists of the members listed in Section 6 (2) of the Constitution of Rhine-Waal University of Applied Sciences, who have the right to submit motions and speak. The persons specified in Sections 22 (2) and 24 (1) of the Higher Education Act (HG NRW) are also considered members of the Senate who may submit motions and speak, but not vote.

## **Section 2 Chairperson**

- (1) The Senate is led by a chairperson in accordance with Section 6 (4) of the HSRW Constitution. The chairperson is supported in their duties by a deputy chairperson elected from the voting members within the meaning of Section 1 (1) above.
  
- (2) The responsibilities of the chairperson include:
  - a. Preparing Senate meetings together with the Executive Board
  - b. Convening meetings
  - c. Leading meetings
  - d. Ensuring proper minute-taking.
  
- (3) In the event that the chairperson and the deputy chairperson are unable to attend a meeting, or in the case of a newly constituted Senate, the meeting will be led by the most senior voting member within the meaning of Section 1 (1) above who is also a professor.
  
- (4) The chairperson or the deputy chairperson are responsible for leading Senate meetings.
  
- (5) The chairperson and deputy chairperson are elected by ballot. Electronic ballots are permissible. The person tasked with tallying electronic ballots can see the names of the voting members of the Senate; thus, the voting is not entirely secret. Upon a member's request, elections in the Senate can be conducted by secret ballot instead. The nominee receiving the absolute majority of votes will be elected. If an absolute majority is not reached, a second round of voting will occur; if there were multiple nominees in the first round, only the two nominees receiving the most votes will be eligible for election in the second round. The person receiving the most votes in the second round will be elected (relative majority). In the event of a tie, the winner will be determined by drawing lots.

## **Section 3 Convening a meeting**

- (1) The chairperson will convene the Senate as needed, but at least three times per semester. The chairperson is required to convene the Senate if requested to so in writing or electronically by a majority of voting members or at least three voting members from at least two groups; requests to convene must contain the topics of discussion.
  
- (2) The notice period for convening a Senate meeting is at least seven days.

- (3) Meeting dates and the proposed agenda will be published university-wide by posted notice or electronically.
- (4) The proposed agenda (in English and German) will be sent to Senate members in hard copy or electronically, together with all required documents for the meeting, no later than seven days before the scheduling meeting. In exceptional cases, documents pertaining to motions can be handed out to members during a meeting.
- (5) Motions must be submitted to the chairperson no later than ten days before a meeting in order to comply with the requisite notice period. Motions must be justified in writing or electronically and, if possible, contain a recommended decision.
- (6) Members who are unable to attend a Senate meeting must notify the chairperson without delay.

#### **Section 4 Attendance**

- (1) Senate meetings are open to the public, but are subject to the general availability of seating and maximum occupancy guidelines for the (appropriately) selected room. Discussions on matters pertaining to employees or examinations are not open to the public in accordance with Section 12 (2) sentence 3 HG NRW.
- (2) The public can be excluded from a meeting when justified and by a two-thirds majority vote. Motions to close a meeting to the public must be justified, discussed and voted on in closed meetings only.
- (3) Members of the Senate are bound to confidentiality in all matters that are considered confidential by law, special resolution or their general nature.
- (4) The chairperson is entitled – and obliged, in the case of a Senate resolution – to invite any guests who would be entitled to speak based on the agenda or individual items therein.
- (5) The Senate can allow non-members to speak.

## **Section 5 Agenda**

- (1) The chairperson must include in the proposed agenda every item of discussion that has been officially requested by a member of the Senate, the Executive Board or the Board of Governors at least ten days before the scheduled meeting. The final agenda will be voted on at the beginning of each meeting. Items that were not included on the proposed agenda sent out to members will not be opened for discussion if at least two voting members object. Other amendments to the agenda can be carried with a simple majority of votes.
  
- (2) The agenda must include, at a minimum, the following:
  - a. Determination of a quorum
  - b. Approval of the previous meeting's minutes
  - c. Confirmation of the current meeting's agenda
  - d. Enquiries and reports.
  
- (3) The Senate will confirm the agenda with a simple majority vote at the beginning of each meeting.
  
- (4) Agenda items can be tabled during a meeting at the request of a Senate member and with a simple majority of votes from the present members.
  
- (5) Agenda items can be permanently removed from consideration during a meeting at the request of a Senate member and with a two-thirds majority of votes from the present members.
  
- (6) Tabled items must be given priority in the agenda for the next meeting.

## **Section 6 Quorum**

- (1) The Senate has a quorum if at least half of its voting members are present and the current meeting was properly convened. The provisions set forth by the Higher Education Act of North Rhine-Westphalia and the Constitution of Rhine-Waal University of Applied Sciences remain unaffected. The chairperson must determine whether a quorum is present at the beginning of every meeting. A reprimand for an improperly convened meeting will be issued at the beginning of the next meeting. A reprimand issued after the conclusion of the meeting will remain immaterial.
  
- (2) If the chairperson determines that a quorum is not present, then they will adjourn the meeting and convene the Senate (while complying with Section 3 (2)) within at least four

weeks to discuss the same item once again. The Senate will then have a quorum for this item regardless of the number of present members. Members must be expressly notified of this automatic quorum for the second convened meeting.

- (3) Subsection 2 sentence 2 does not apply to amendments to the Senate's rules of procedure, nor to elections or their confirmation.

## **Section 7 Majorities and passing resolutions**

- (1) Where not explicitly stated otherwise, the Senate will pass resolutions with a simple majority of valid votes cast by present members. A simple majority is achieved when the number of aye votes exceed the number of nay votes or, in the case of a vote on multiple resolutions, when the majority of votes are cast for a specific resolution. Abstentions are not counted.
- (2) Voting is conducted by the raising of hands, provided no present voting member of the Senate expressly requests a secret ballot. Resolutions on personnel-related issues will always be decided by secret ballot.
- (3) Every outvoted member is entitled to present a dissenting opinion in writing, provided that the member in question has expressly reserved this right in the meeting. The dissenting opinion must be submitted electronically or in hard copy within five days to the chairperson of the Senate and recorded in the minutes for the meeting. The dissenting opinion must be included in resolutions presented to other authorities.
- (4) If a resolution directly affects a member of the Senate, that member must be excluded from discussions and votes on said resolution.
- (5) Proposals must be put forward in writing before they can be voted on. In addition, they must be read aloud before voting commences.
- (6) In exceptional cases, Senate proposals can be circulated electronically or in writing for voting (silence procedure), provided no member of the Senate raises any immediate objections. Voting members of the Senate will be allotted a period of 14 days to respond to a circulated proposal. Personnel-related issues cannot be decided by silence procedure.
- (7) The chairperson must report on the outcome of a resolution passed by silence procedure in the next open meeting and explain the reasons for choosing this procedure.
- (8) If the Executive Board considers a resolution unlawful or incompatible with the principles

of sound financial management, then it is obligated to raise an immediate objection. This objection will temporarily suspend the resolution's entry into force. The disputed resolution will be put up for discussion in the next meeting of the Senate. If the dispute cannot be resolved, the Board of Governors will be consulted. If the dispute cannot be resolved despite the involvement of the Board of Governors, then the Executive Board will involve the responsible ministry.

- (9) The chairperson of the Senate will decide on non-postponable issues for which an official Senate resolution cannot be passed in time. This does not apply to elections or personnel-related issues. The chairperson is obligated to inform the other members of the Senate immediately, but no later than the next meeting, of the reasons which justified this course of action as well as the decision itself.

## **Section 8 Order during meetings**

- (1) The chairperson is responsible for giving permission to speak, generally in the order that requests are received. For providing additional clarification or raising a direct objection, the chairperson may give permission to speak out of order.
- (2) To ensure the orderly conduct of a meeting, the chairperson may take the floor at any time.
- (3) To expedite the proceedings, the chairperson may limit speaking time to an appropriate amount. In addition, every member of the Senate may request a limit to speaking time. If another member objects, a vote will be held on the matter.
- (4) If a speaker has digressed, the chairperson may urge them to return to the topic at hand.
- (5) If a speaker exceeds their allotted time or ignores the chairperson's urging to return to the point, the chairperson may forbid them to speak.
- (6) The chairperson is responsible for ensuring smooth and undisturbed meetings. They have the right to take appropriate measures to ensure this responsibility is upheld. If these measures include the exclusion of the public, the Senate may subsequently vote to include the public again.
- (7) Procedural motions can be submitted during a meeting and automatically take precedence over all other requests to speak. However, procedural motions cannot interrupt current speakers, votes or elections in progress. Procedural motions only address the course of proceedings. Members may put forth a procedural motion by raising two hands.

(8) The following procedural motions are permissible:

- (a) Determine whether procedural or formal errors have occurred
- (b) Determine the presence of a quorum
- (c) Reorder agenda items
- (d) Remove, defer or introduce an agenda item
- (e) Defer a resolution
- (f) Transfer a matter
- (g) End a debate
- (h) Close the list of speakers
- (i) Limit speaking time
- (j) Break for a short recess
- (k) Secret ballot
- (l) Return to a previous agenda item
- (m) Give the floor to a non-member of the Senate
- (n) Exclude the public
- (o) Adjourn the meeting.

(9) Procedural motions are carried if no objections are raised. In the event of an objection, the procedural motion will be put to a vote without debate. In this case, when not explicitly stated otherwise, the procedural motion will be carried with a simple majority of valid votes cast by the eligible voting members present.

(10) A motion to return to a previous agenda item (subsection (8) (l)) requires a two-thirds majority of valid votes cast by the eligible voting members present.

## **Section 9 Minutes**

(1) Minutes must be taken of every Senate meeting and signed by both the chairperson and the minute-taker after they have been approved by the Senate.

(2) Minutes must contain, at a minimum:

- Day, place, start and end times for a meeting
- Agenda items and the essential points of the subsequent discussions
- The full texts of resolutions, voting results and, if applicable, additional explanations
- Dissenting opinions
- Attendance record as an annex.

- (3) The draft minutes will be provided to the members of the Senate without delay or, at the latest, together with the invitation for the next meeting. Objections to the minutes must be raised in the next meeting to occur after the draft minutes were provided.
- (4) Approved minutes for public meetings of the Senate must be published together with a short English summary in a suitable fashion for the entire University.
- (5) Minute-taking may be delegated to non-members of the Senate upon request. Minute-takers are bound to confidentiality in all matters considered confidential by law, special resolution or their general nature.

## **Section 10 Commissions**

- (1) The Senate can form commissions for additional support and advising tasks.
- (2) These regulations apply analogously to the procedures of these commissions.
- (3) The Senate will form an advising commission for diversity in accordance with Section 9b of the HSRW Constitution. This commission will be composed of the following voting members:
  - One professor currently serving in the Senate with voting power
  - Four professors at HSRW, one from each faculty
  - Two academic staff members
  - One non-academic staff member
  - Two students.

The Senate will elect commission members separately by group. The Executive Board member in charge of this area of responsibility, the inclusion officer, the disability liaison officer and the special needs officer will also serve on the commission in an advising capacity, but without voting power. The commission will elect a chairperson from among its members.

## **Section 11 Elections**

- (1) A selection committee will be formed to elect members to the Board of Governors, and two Senate representatives will sit on this committee. The Senate will elect these two representatives to the selection committee from among its voting members.
- (2) Voting will be conducted by physical ballot or online election. In the case of an online election, voters must confirm in lieu of an oath that they personally cast their votes.



Members will be elected to committees and governing bodies of the University separately and by their constituent groups. Nominees are elected by relative majority. The nominee receiving the most votes will be elected. If multiple candidates are running for a single group, the candidate receiving the most votes will be elected. In the event of a tie, the winner will be determined by drawing lots. Section 2 (5) applies to the election of the Senate chairperson and deputy chairperson.

- (3) Votes to remove a member of a commission or governing body without their consent can only occur if a replacement member can be elected immediately.
- (4) Election-related debates focused on specific individuals must be closed to the public and the person affected. Motions to end the debate are not permissible. Minutes will not be taken during these debates.

## **Section 12 Enacting or amending the rules of procedure**

- (1) Enacting rules of procedure in the Senate requires a majority of votes from eligible voting members.
- (2) Amendments to the rules of procedure must be requested in writing. The full text of amendment requests must be included in the meeting invitation.
- (3) Amendments require a majority of votes from eligible voting members of the Senate to pass.

## **Section 13 Entry into force**

These rules of procedure entered into force by Senate resolution on 27 January 2021 and replace the previous rules of procedure dated 6 November 2020.