

RULES FOR THE ELECTION

of the Academic Council to be established at MCI Management Center Innsbruck in accordance with § 10 of the Austrian Act on Universities of Applied Sciences ("FHG"), Federal Law Gazette I, No. 177/2021, regarding the Body of Members elected by the Teaching and Research Staff

as amended by Academic Council Resolution No. 117 of 14 March 2023

1. Preamble

In 2011, the Austrian legislators adopted the Act on Quality Assurance in Higher Education ("HS-QSG") and amended other legal provisions relating to different types of higher education institutions, in order to establish a uniform quality assurance framework for the entire higher education sector in Austria.

Apart from other changes, the legal provisions stipulate that the relevant higher education institutions shall, by 1 September 2012, establish Academic Councils for the purpose of implementing and organizing all teaching and examinations. The Academic Council shall meet at least twice a year at the place where the higher education institution is based.

The Academic Council shall include, in addition to the Head and Deputy Head of the Academic Council, six Program Directors, six representatives of the teaching and research staff, and four representatives of the students. The relevant Program Directors as well as the representatives of the teaching and research staff shall be elected by the relevant groups. When preparing the nominations for the representatives to be elected, at least 45 percent of the candidates for each group shall be women, if possible. The representatives of the students shall be delegated.

The main duties of the Academic Council shall include the election of the Head and Deputy Head of the Academic Council based on a list of three candidates proposed by the Provider, changes to accredited degree programs in consultation with the Provider, the establishment and termination of degree programs and continuing higher education programs in consultation with the Provider, the submission of budget requests (capital, non-personnel and personnel expenditures) to the Provider, the strategic development of teaching, applied research and internationalization with a view to ensuring competence- and future-oriented degree programs at university level in consultation with the Provider, coordinating the contents of all teaching operations, ensuring quality in teaching and research and evaluating all teaching operations, including examination regulations and curricula, rulings on complaints lodged against decisions taken by Program Directors, and the awarding of academic honors customary in the university system in consultation with the Provider.

The Academic Council shall furthermore be responsible for issuing rules of procedure and statutes, in consultation with the Provider. The statutes shall, as a minimum, include the study and examination regulations, rules for the election of the Academic Council, the establishment of working groups, where applicable, and their statutes, regulations with regard to Academic Council quorums, an equal opportunities plan, regulations with regard to the establishment and termination of degree programs and continuing higher education programs, and guidelines for the appropriate use of designations customary in the university system and for the awarding of academic honors.

The members of the Academic Council shall not be entitled to receive any additional remuneration, credit or reimbursement of expenses for performing their duties. German shall be the working language

of the Academic Council, subject to any provisions stipulating otherwise in the election rules to be adopted.

These election rules shall regulate the election by the teaching and research staff of the six representatives of the said group to be appointed members of the Academic Council.

2. Electoral principles

In electing the representatives of the teaching and research staff to be appointed members of the Academic Council established at MCI Management Center Innsbruck in accordance with § 10 FHG, Federal Law Gazette I, No. 177/2021, voting shall be for individual candidates, by secret ballot, and exercised in person. Each person entitled to vote shall have one vote.

3. Voting rights, eligibility

All persons who are employed with MCI Management Center Innsbruck under a freelance employment contract ("freies Dienstverhältnis") or a regular employment contract ("echtes Dienstverhältnis") and who, during the academic year preceding the election, taught at least one weekly semester hour (15 teaching units at 45 minutes each) in any university of applied sciences degree programs at MCI or took part as academic staff in any MCI research project, shall have the right to vote and the right to stand as a candidate in the election.

In connection with exercising the right to stand as a candidate and in view of a potential appointment as a member of the Academic Council, potential candidates are advised to consider that the term of office of the Academic Council is likely to be several years (cf. also section 6, Candidacy / nominations, and section 10, Membership of the Academic Council).

The persons entitled to vote and to stand as candidates shall be informed in writing of their relevant rights and of the rules for the election. In addition, the electoral roll shall be made available by the election commission.

4. Voting systems, polling days, voting place

Elections can be conducted based on either of two voting systems: in-person voting or electronic voting. The election commission shall determine in advance which voting system shall be used.

If the election is conducted based on in-person voting it shall be held on two consecutive calendar days. The place of voting shall be MCI Management Center Innsbruck. The room where the polling station is established shall be announced not later than five days prior to the start of the election.

If the election is conducted electronically, voting shall be possible for five days from the day on which the access data required for voting are communicated.

5. Preparing the election, election commission, electoral observers

An election commission shall be responsible for preparing and conducting the election and determining the election result. The election commission shall have three members. The Managing Director of MCI or any other person designated by the Management shall take the chair. The other members shall be nominated by the Management of MCI. Persons entitled to vote and to stand as candidates in the election shall be precluded from being appointed members of the election commission. However, candidates in accordance with section 6 may decide in their sole discretion to act as electoral observers and attend the taking of the poll, the counting of the votes and the selection by lot.

6. Candidacy / nominations

Candidacies and nominations shall be submitted electronically to wahlkommission.kollegium@mci.edu not later than 14 days prior to the start of the election; they must be signed by hand or electronically

and include a CV indicating basic personal data (first name, surname, age, sex, photograph) as well as relevant information about education and training, career, and current position. If a person other than oneself is nominated as a candidate, a letter of consent signed by hand by such other person shall also be included. At MCI a strong representation of women in the Academic Council is considered to be of vital importance, and women are actively encouraged to stand as candidates.

The holding of the election is subject to a minimum of six valid nominations having been submitted. However, in view of the appointment of substitute members a larger number of nominations should be aimed at. Unless a minimum of six valid nominations have been submitted, the election shall be postponed; until the time when the postponed election takes place, all efforts shall be used to encourage a larger number of nominations. In any event, irrespective of whether or not additional nominations have been submitted, the postponed election shall be held without undue delay.

The election commission shall check the submitted nominations for their validity, and communicate the nominations in the form of a list of candidates to the persons entitled to vote not later than ten days prior to the start of the election. The candidates agree that the submitted CVs, possibly also including additional standardized information (e.g. degree program, teaching assignment hours, or similar), shall be made available to the persons entitled to vote.

7. Conducting the election

In-person voting:

In electing the representatives of the teaching and research staff to be appointed members of the Academic Council, voting shall be by secret ballot, using official ballot papers provided by the election commission. Each person entitled to vote shall have one vote. Any vote cast is deemed to be valid only if the choice of the voter is indicated clearly and unambiguously on the ballot paper.

Electronic voting:

The persons entitled to vote can verify their identity by the access data communicated by the election commission, and cast their vote electronically using the ballot paper provided by the election commission. Each person entitled to vote shall have one vote. Any vote cast is deemed to be valid only if the choice of the voter is indicated clearly and unambiguously.

8. Voting cards

If the election is conducted based on in-person voting, persons who are entitled to vote and are domiciled outside the State of Tyrol shall have the right to apply for a voting card and to cast their vote by mail. All other persons entitled to vote shall have the right to apply for a voting card only if it can be evidenced that they are prevented from appearing, or cannot reasonably be expected to appear, at the voting place (e.g. business trip outside of Tyrol, illness, or similar).

In connection with applications for voting cards and voting by mail, the following provisions must be complied with:

- a) Applications for voting cards shall be submitted to wahlkommission.kollegium@mci.edu not later than 21 days prior to the start of the election, whereby the application shall also include the postal and electronic service addresses of the applicant and state the reasons preventing the applicant from appearing at the voting place.
- b) Following verification by the election commission, an authorized and anonymized ballot envelope shall be forwarded to each applicant by mail.
- c) Once the list of candidates is available, an anonymized ballot paper and a personalized voting card shall be forwarded to each applicant by e-mail not later than ten days prior to the start of the election. The ballot paper and the voting card are to be printed out by the applicant.

- d) The ballot paper printout shall be filled in by the applicant and then put into the ballot envelope received by the applicant.
- e) The sealed ballot envelope (holding the filled-in ballot paper) and the voting card printout shall then both be put into a standard envelope and, at the applicant's expense, forwarded to the election commission at the address indicated below by mail, courier service or any other similarly suitable service, so timely as to ensure that on the final polling day by the time the polling station closes, the documents will be physically in the election commission's possession and can be taken out of the standard envelope by the election commission, and the sealed ballot envelope can be transferred to the ballot box holding the other ballot envelopes:
Wahlkommission Kollegium, MCI Management Center Innsbruck, Universitätsstraße 15, 6020 Innsbruck, Austria
- f) Persons who applied for a voting card shall be excluded from voting in person at the polling station.
- g) Any postal voting documents that are not delivered in due time or are not in compliance with the above requirements (e.g. ballot envelope without voting card) shall be counted as invalid votes.

9. Determining the election result, selection by lot

The election result shall be determined by the election commission immediately after the closing of the polling station on the final polling day. Candidates from the teaching and research staff group shall have the right to attend the determination of the election result. The candidates shall be ranked based on the number of votes they received. In the event no clear result can be determined regarding the six members of the Academic Council and the ranking of substitute members, if any, due to a tie, the definitive result shall be decided by lot. The selection by lot shall be performed by the election commission directly on site. The detailed procedure for such a selection by lot shall be defined by the election commission, in the event of differing opinions within the commission by majority vote. Any candidates in attendance shall have a right to be heard on the matter.

10. Membership of the Academic Council

The elected representatives shall be deemed to be members of the Academic Council for as long as their employment contract with MCI continues. Upon the termination of the employment contract the relevant representative shall cease to be a member of the Academic Council, and the elected substitute members shall move up, based on their ranking, and be appointed members of the Academic Council. Any revival of an employment contract shall not automatically give rise to renewed membership of the Academic Council.

11. Special elections

In the event any vacancies in the Academic Council that result from former members leaving office, cannot be filled for want of substitute members, special elections shall be held within a delay of six months to fill these vacancies and for the appointment of substitute members. If regular elections for the Academic Council are scheduled to be held within the said delay, the aforesaid obligation shall not apply.