

## **General Rules of Procedure (unofficial reading version) of Carl von Ossietzky Universität Oldenburg**

**dated 16 March 2018**

The basis of the unofficial reading version is the General Rules of Procedure for the University of Oldenburg dated 5 May 2010 and the amendments dated 12 March 2013, 30 April 2015, 29 September 2017, 16 March 2018 and 29 April 2020. The Rules of Procedure dated 5 May 2010 and all amendments can be found in the Official Notices.

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### **Section 1 Scope of application**

(1) The General Rules of Procedure shall govern the proceedings of the Senate, School Councils and other committees of the University of Oldenburg. Committees as defined in these Rules of Procedure include all self-administration units formed by the bodies.

(2) The General Rules of Procedure shall only apply to appointment procedures insofar as the current regulations for appointments of the University of Oldenburg do not contain any regulations to the contrary. Section 12.4.2 of the General Rules of Procedure shall not apply in Appointments Committees.

(3) In agreement with the Senate, and within the scope of the laws and university statutes, the School Councils may adopt different or supplementary provisions.

### **Section 2 Committee tasks, chair**

(1) The committees shall only deal with the tasks assigned to them.

(2) The committee shall elect a Chair and a deputy from among its members, unless the Chair is regulated by a law or university statute. The Chair prepares the committee meeting, invites members to it, chairs it and contributes to the implementation of decisions in accordance with their responsibilities.

### Section 3 Convening meetings

(1) Meetings may be convened as face-to-face meetings or, if there are substantive reasons, as so-called virtual meetings by means of a video conference (video and/or audio link through technology approved by the university) and take place at least once a semester during the lecture period. In the case of virtual meetings, it must be ensured that all committee members have actual access to the video conference system to be used and have the technical equipment required for a video conference.

The meeting shall be immediately convened by the Chair as a face-to-face meeting at the request of at least a quarter of committee members or, in the case of committees made up of groups, at the request of all representatives of a group; an additional meeting may be requested under the same conditions and must take place within two weeks of said request. The Chair shall convene the committee by inviting the members to the meeting in writing, electronically or digitally (Section 19a). The documents for the meeting must be sent by post, deposited in postboxes, uploaded to the university Cloud Storage service or provided digitally (Section 19a). Deputies shall be notified of the invitation. In order to fulfil their duties, the equal opportunities officer may participate in all committee meetings within the meaning of Section 1.1 with the right to propose motions and speak. They shall be invited and informed in the same way as members.

(2) For the inaugural meeting, cross-school committees shall be convened by a member of the Presidential Board, school committees shall be convened by a member of the Dean's Office, and committees of the other institutions shall be convened by the executive management or executive board. The same people shall chair the meetings until a Chair is elected.

(3) The committee members must receive an invitation seven calendar days before the meeting. In urgent cases, the committee may be convened at shorter notice. The committee may only take decisions in such cases if a majority of the members with voting rights are present and retrospectively approve the shortened invitation period.

(4) The persons responsible for convening the meeting pursuant to paragraph 2 must receive draft resolutions and motions at least five working days prior to the invitation being sent out. Draft resolutions and substantive motions not sent within the deadlines set out in paragraph 5 clause 1 and 2 are usually dealt with in the next-but-one meeting.

(5) The members and the equal opportunities officer shall be provided with the draft resolutions and members' motions on the items on the agenda no later than when they are invited to the meeting. Draft resolutions from the schools for the Senate that cannot be sent to the Senate members and equal opportunities officer by the date specified in clause 1 must be sent no later than six days before the Senate meeting. Paragraph 2 clause 2 shall apply *mutatis mutandis*.

### Section 4 Attendance and representation by deputies

(1) Members are required to attend meetings and contribute to the effective performance of the committee's tasks. If there are substantive reasons, attendance at face-to-face meetings is also permitted by means of a video and/or audio link through technology approved by the university ("members attending remotely") provided that the Chair agrees to this; appointment procedures are always attended by means of a video and audio link. All members and guests of the committee shall attend virtual meetings remotely as specified in clause 2. A stable connection must be ensured for the entire duration of the meeting. In the case of clause 2, a request to attend the meeting remotely must be made to the Chair at least five working days before the meeting is scheduled. If a member cannot attend the meeting, they must immediately inform the Chair of the committee so that they can immediately request the attendance of the member's deputy.

(2) In the case of a list, the deputies are the candidates of the candidate list who did not receive a seat, according to the order of the number of votes they received. In the event of an equal number of votes or if no vote is cast for more than one candidate, the order of the candidates within a candidate list shall be decisive. If a list is exhausted, the deputy is the first substitute of the candidate list that would have the next seat according to the d'Hondt counting method.

(3) In the case of a majority election, the deputies are the non-elected candidates in the order of the number of votes they received. Candidates who received no votes cannot be considered for deputy positions.

(4) If no deputies are elected in accordance with paragraph 2 and 3, the electoral body responsible for the election of the committee can appoint representatives. This option is not available for the Senate and School Councils.

### **Section 5 Agenda, motions on the agenda**

(1) The Chair's proposal for the agenda shall be provided together with the invitation in accordance with Section 3.2.2.

(2) Motions on the agenda received in a timely manner shall be taken into account when drawing up the agenda. Motions that the committee cannot deal with for legal reasons shall be immediately returned to the person submitting the motion, stating the reasons.

(3) A motion on the agenda not proposed with the invitation may be dealt with by the committee as an urgent motion if the aim of the motion can in all likelihood no longer be achieved if it is dealt with at a later meeting. Urgent motions must be submitted in writing or digitally (Section 19a).

(4) The final agenda shall be adopted by a majority of the members present after a quorum has been established. No resolutions may be passed under the agenda item "Miscellaneous".

(5) The committee may, in accordance with Section 3.5, defer motions on the agenda received in a timely manner until no later than the third meeting following the submission of the motion.

(6) Deviations from the final agenda shall be subject to a resolution.

### **Section 6 Course of the meeting**

(1) The quorum (Section 7) must first be established at the beginning of the meeting. If there is a quorum, deviations from the invitation period shall be agreed, if necessary, and the final agenda shall be adopted. At the same time, decisions shall also be taken on requests in accordance with Section 8.1, 8.2 and 8.4. Before deliberations begin, amendments and approval of the minutes of the last meeting shall be voted on.

(2) The Chair shall call the items on the agenda for discussion in the order decided. Before discussing each individual item on the agenda, the motions or submissions received for the item on the agenda shall be explained.

(3) The Chair shall give members the floor in the order in which requests are received and may take the floor during proceedings.

### **Section 7 Quorum**

(1) A committee shall constitute a quorum if the meeting has been properly convened and a majority of the members with voting rights are present. Members attending remotely as defined in Section 4.1.2 and 4.1.3 shall also be considered present. If there is a subsequent reduction in the number of members with voting rights present during the course of the meeting, the committee shall maintain a quorum until the absence of a quorum is established by the Chair at the request of a member. If a member has asserted the absence of a quorum, they shall be counted among the members present for the purpose of determining whether the committee still constitutes a quorum. The establishment of the absence of a quorum shall only take effect once the current item on the agenda has been completed.

(2) If it is established that a committee does not constitute a quorum, the Chair must convene a new meeting to deal with the unfinished items on the agenda. With the exception of the case stipulated in

Section 3.3.3 of a shortened invitation period, this meeting shall constitute a quorum irrespective of the number of members present. This shall be pointed out in the invitation.

(3) Any establishment of a quorum or absence of a quorum by the Chair as well as all resolutions adopted by the committee shall be noted in the minutes of the meeting.

### **Section 8 Public meetings and right to speak**

(1) Notwithstanding paragraphs 5 and 6, the Senate, the permanent committees of the Senate (with the exception of the Committee for Research Impact Assessment and Ethics, the Investigation Committee for Academic Misconduct and the selection committees), the Advisory Councils of the central and local institutions, the School, Institute and Department Councils as well as the Academic Committees shall meet in public. Upon request, the public may be excluded from certain items on the agenda by resolution passed by a two-thirds majority of the members present. The request shall be deliberated and voted on in closed session.

(2) Public access shall be ensured in the case of virtual meetings and, during periods of emergency operation at the university, also in the case of face-to-face meetings by technology approved by the university. The invitation link shall be published on the intranet website of the responsible committee support team.

(3) If a committee management system is used, the documents and resolutions of public meetings of the bodies and committees specified in paragraph 1 shall be made available to the public via the intranet for a duration of 15 years starting from the end of the calendar year of the meeting in question.

(4) Elections must be held in public.

(5) The other committees shall meet in closed session. The public may be admitted by resolution. Paragraph 1 clause 3 shall apply mutatis mutandis. Paragraph 2 shall not apply.

(6) Personnel and examination matters shall be discussed and decided in closed session.

(7) Property and economic matters, the public deliberation of which may result in disadvantages for the state, university or the natural or legal persons involved in or affected by these matters, shall be discussed and decided in closed session.

(8) Listeners may be granted a right to speak by resolution of the committee (in the case of virtual meetings, only insofar as this is technically feasible). Moreover, committee members who wish to listen to non-members in a matter of considerable importance may have the committee meeting suspended for 15 minutes for this purpose by resolution. This suspension may be extended once for 15 minutes by resolution of two-thirds of the committee members present.

### **Section 9 Speaking and points of order**

(1) By raising a point of order, the list of speakers shall be interrupted after a speaker has finished speaking.

(2) Points of order may be raised orally and shall be indicated by raising both hands. Points of order must not exceed three minutes.

(3) Points of order include in particular:

- a request to adjourn or temporarily suspend the meeting,
- non-consideration or postponement of an agenda item,
- referral to a committee,
- closure of deliberation and immediate vote,
- closure of the list of speakers,
- limitation of speaking time.

The point of order is accepted if no objection is raised. Otherwise, a vote shall be taken following a reply.

(4) If the closure of the list of speakers is requested, the list shall be read out and, if necessary, supplemented before this point of order is voted on.

### **Section 10 End of deliberation**

If no one else requests the floor, the Chair shall declare the deliberation closed.

### **Section 11 Voting rights**

(1) All members of a committee have the same voting rights unless the university charter or NHG state otherwise. In matters where committees are given decision-making powers, the votes shall be weighted in such a way as to preserve the proportion of votes of the groups of the appointing collegial body.

(2) Anyone part of a committee as an advisory member has all the rights of a member with the exception of voting rights. Members of a committee who are not entitled to vote in certain matters otherwise have all the rights of member in dealing with this matter.

### **Section 12 Resolutions**

(1) Resolutions shall be adopted by a majority of the valid votes cast unless the law or university statutes state otherwise. Abstentions shall be considered as votes not cast. A resolution shall not be passed if more than half the present members with voting rights have cast an invalid vote or abstained. Non-participation in the vote shall be counted as an absence when determining the result.

(2) For the vote, the Chair shall clarify the wording of the motion and put it to a vote. Each motion shall be voted on in such a manner that the members of the committee can answer the voting question with Yes, No or Abstain.

(3) The committee shall vote by roll call if the majority of the members present agree to such a motion brought by a member of the committee.

(4) At the request of a member, a motion shall be voted on by secret ballot. Resolutions in personnel and appointment matters shall be passed by secret ballot.

(5) Secret ballots in virtual meetings shall take place electronically using technology approved by the university. They can also take place through an electronic silence procedure pursuant to paragraph 6, wherein, deviating therefrom, the silence period is three working days and the voting answers of the members attending remotely are sent via email to an official who is designated by the Chair and sworn to secrecy or, in the case of Appointments Committees, to the Chair thereof who is sworn to secrecy. A member attending a face-to-face meeting remotely shall vote in secret either electronically pursuant to clause 2 or by sending their ballot paper by post to the Chair immediately after the meeting (receipt within three working days); the valid ballots cast in the meeting and those received subsequently shall be counted together after three working days by the Chair including the announcement of the result of the resolution. Further procedural information can be found in Annex 1 of these rules.

(6) The Chair may suggest a resolution through a silence procedure in writing or electronically unless two or more members with voting rights object. The silence period is at least two weeks. Once the voting question has been sent, votes received after the silence period will not be taken into account.

(7) Upon request, the vote of a minority shall be attached to the resolution. The essential content shall be presented at the meeting and recorded in the minutes. A written version may be submitted within one week to the Chair of the committee who shall send it to the committee members with the minutes.

(8) If the resolution of a committee composed according to groups, with the exception of the Appointments Committees, on a matter whose decision is incumbent on the committee pursuant to the NHG, the university statutes or university regulations has been passed against the votes of all members of a member group who are entitled to vote, the matter must be deliberated again in the following meeting of the committee

at the request of these members (so-called suspensive group veto). The request may only be made within one week of the decision and only once in the same matter. The final decision of the committee with a majority vote requirement of

Section 12.1 may take place at the earliest one week after the request has been made. The shortened invitation period pursuant to Section 3.3.2 is excluded in such cases.

(9) If the election of a committee or of individual members is declared invalid or if the composition changes due to a by-election, this shall not affect the validity of the previously adopted resolutions and actions taken by the committee.

### **Section 13 Resolutions with several motions**

(1) If several motions on the same subject are to be voted on, the order in which the motions shall be voted on shall be determined before the first motion is voted on. The Chair of the committee shall decide on the order of the motions to be voted on. If there is an objection to this decision, the committee shall decide.

(2) In the case of several motions with the same objective, the more far-reaching motion shall be voted on first. Amendments shall be voted on before the main motion.

(3) If several motions on the same subject are voted on, the two motions with the most votes in favour shall be put to a casting vote. The motion that has received the most votes in favour in the casting vote shall then be put forward for the final resolution.

(4) If several motions have received the same number of votes in favour, a further casting vote between these motions shall decide which of them shall be put to the casting vote or finally voted on.

(5) If several motions on the same subject are voted on, the meeting may only be adjourned after the last vote.

### **Section 14 Elections within the committees**

(1) Elections shall be by secret ballot within the committees, in writing for face-to-face meetings, electronically in the case of virtual meetings or for members attending remotely pursuant to Section 12.5.1 and 12.5.2 accordingly, wherein the silence period shall be at least three days. When nominations are made, at least 50% of the candidates shall be women. The person elected is the one who has received the most valid votes cast, unless the law or university statutes state otherwise. Section 12.1 (abstention and non-participation in votes) shall not apply. Another ballot shall be held if there is a tie. If there is still a tie, a decision shall be made by lot. Voting shall take place openly by acclamation or through electronic silence procedure in accordance with Section 12.6 with a silence period of at least three days if there is only one nomination and no one objects to this procedure.

(2) Doubts in the election procedure shall be decided by analogous application of the university election regulations.

### **Section 15 Personal statements**

Upon request, the Chair of a committee shall give the floor to a member to make a personal statement about an item on the agenda after the end of the deliberation or vote on the item on the agenda. The maximum speaking time shall be three minutes. Upon request, personal declarations shall be recorded in the minutes. A written version may be submitted within a week and shall be disclosed to the committee.



## Section 16 Minutes

(1) Minutes shall be produced of every committee meeting and signed by the Chair of the committee once they have been checked for accuracy. For this purpose, a meeting may be electronically recorded on behalf of the Chair; as far as technically possible, this should be limited to the audio/sound track in the case of virtual meetings. All participants

of a virtual meeting shall be informed in advance that it is being recorded. The recording shall be deleted or destroyed immediately after the minutes have been drawn up and approved by the relevant committee for the purpose of data privacy. The Chair of the respective committee bears the responsibility for this. The minutes of the meeting shall be sent either in writing or digitally (Section 19a) to all members of the committee, the equal opportunities officer and the constituted student body via the Student Council in good time, generally at the next meeting, and without being requested. Within the schools and institutes, these information obligations also apply to the School Councils. The minutes of the meeting shall be adopted at the beginning of the next meeting of the committee.

(2) The resolutions adopted at the meeting shall be documented separately and forwarded to the competent bodies without delay for execution of the resolution. Paragraph 1, clauses 2 and 3, shall apply *mutatis mutandis*.

(3) Minutes from the public part of the Senate and Council meetings of the schools, institutes and departments as well as decisions and resolutions of the Academic Committees of particular importance shall be published in a suitable place or on the intranet. They shall be sent to the student body via the Student Council in good time and without being requested; within the schools and institutes, these information obligations also apply to the School Councils.

## Section 17 Advisers

(1) The committees may bring in advisers to their meetings in individual cases or for certain substantive issues. The advisers should be members or associates of the University of Oldenburg.

(2) The committee may instruct advisers who are members and associates of the university to prepare items on the agenda of subsequent meetings.

(3) The advisers are not members of the committee. The closed nature of the proceedings shall not preclude their presence during the deliberation of those substantive issues for which they have been brought in.

## Section 18 Interpretation of the General Rules of Procedure

The Chair of the committee shall decide on the interpretation of these Rules of Procedure as well as their supplementary and deviating provisions when applying them in individual cases; if there is an objection to the Chair's decision, it is the committee that shall decide.

## Section 19 Amendments and deviations from the General Rules of Procedure

(1) In individual cases in a meeting, the committees of the University of Oldenburg may deviate from the General Rules of Procedure or from the supplementary and deviating provisions adopted by the committee if two thirds of the members of a committee agree to a corresponding motion.

(2) The regulations set out in Section 12.7 and Section 16.3.2 as well as this paragraph 2 may only be amended or repealed with a majority of two thirds of the members of the Senate.

## Section 19a Digital form

Insofar as these regulations provide for the digital form, only a committee management system approved by the university shall be used for this purpose.



## Section 20 Final provisions

This amendment shall enter into force after the adoption of the resolution by the Senate on the date of publication in the official notices of the University of Oldenburg.

Annex 1 of the General Rules of Procedure of the University of Oldenburg

Procedural information regarding Section 12.5: Secret ballot with participation by means of video and/or audio link:

1. Secret ballots in virtual meetings using technology approved by the university pursuant to Section 12.5.1 may be held, for example, in the form of an anonymous survey in a closed group of the committee members via StudIP.

For this purpose, it must be specified in the settings of the survey that the members with voting rights cannot access the results and that specific individual voting behaviour cannot be determined. The survey must be conducted without the names of committee members. It must be ensured that all members of the deciding committee with voting rights are members of the closed group, are aware of the vote to be held and the associated time window and have actual access to answer the survey.

2. In the case of secret ballots through an electronic silence procedure pursuant to Section 12.5.2, the use of personal data shall be reduced or avoided as far as possible.

3. The following shall apply to secret ballots involving members attending remotely and sending their ballot paper by post pursuant to Section 12.5.3:

a) The member attending remotely shall bear the risk of the ballot paper subsequently sent by post not being received by the Chair of the committee on time. This means that ballot papers received late will not be considered.

b) If requested, the persons attending remotely shall receive from the Chair and prior to the meeting, together with the approval of their so-called application for remote attendance, one of the ballot papers provided for the various items on the agenda, along with a separate envelope such that the ballot papers of the persons attending remotely can no longer be identified in the subsequent counting of votes.

The person attending remotely shall place the completed ballot papers in the anonymous envelope provided and seal it.

The person attending remotely shall then put the envelope into a standard envelope for the purpose of sending it (= as in the case of postal voting).

The ballot papers submitted at the meeting shall be collected unopened in an envelope by the Chair and shall only be opened and counted together with the subsequently received ballot papers.

**Please note: This is an unofficial translation provided for your convenience only. It does not have any legally binding effects. Only the German version is legally binding!"**