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Rules of Procedure of the Department Board of the Department of Construction and Culture of the Doctoral School NRW

in the version dated 05.05.2022

Based on Section 67b of the Higher Education Act of the State of North Rhine-Westphalia (Hochschulgesetz - HG) as amended by the Act Amending the Higher Education Act of July 12, 2019, Section 22 of the Administrative Agreement of the Doctoral School NRW (VV) and Section 11 of the Constitution (GO), the Department Board of the Department of Construction and Culture of the Doctoral School NRW has adopted the following Rules of Procedure:

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§ 1 Tasks, composition, chairmanship

- (1) The tasks and responsibilities of the Department board are regulated in § 26 of the administrative agreement.
- (2) The election of the Director and his/her deputies is regulated in Section 33 of the Election Regulations for the Election to the Bodies or Boards or Committees of the Doctoral School NRW.

(3) In cases where decisions on certain matters affect several departments and require coordinated action, the Department board shall form joint committees with the department boards involved in accordance with Section 26 (3) of the administrative agreement.

(4) Voting and non-voting members are regulated in Section 18 (3) and (4) of the Constitution.

(5) The director of the department is a non-voting member of the Department board in accordance with Section 26 (2) of the Administrative Agreement and Section 18 (4) of the Constitution.

(6) Section 18 (5) of the Constitution governs the chairmanship of the Department board.

(7) The term of office of the Department board is regulated in Section 18 (2) of the Constitution.

§ 2 Chairing of meetings and format of meetings

(1) The director of the department prepares the meetings of the Department board and chairs the meetings (hereinafter referred to as the chair of the meeting).

(2) If the Director is unable to attend, he or she may delegate the tasks described in paragraph 1 to a Deputy Director.

(3) Meetings of the Department board may be held in person, electronically or in hybrid form. The decision on this shall be made by the chair of the meeting. The decision will be communicated with the invitation.

(4) If the meeting is held in electronic or hybrid form, it must be ensured that it is possible to vote by secret ballot in accordance with the applicable rules. The chair of the meeting may allow exceptions to this rule.

§ 3 Convening of the Department board

(1) The Department board is convened by the head of the meeting with the support of the Staff member responsible for the department. The meeting dates are set for one semester in advance by the Department board. They can be changed by the Department board.

(2) The Department board meets at least once per semester.

(3) Meetings shall be convened in electronic form with a notice period of two weeks and the agenda announced. As a rule, all documents required for the meeting must be attached to the invitation.

(4) The chair of the meeting must convene a meeting of the Department board if three members, irrespective of their voting rights, so request, stating the subject of the meeting.

(5) If a meeting has been requested in accordance with paragraph 4, it shall be convened within two weeks of receipt of the request in accordance with paragraph 3.

(6) Meeting dates and agendas are published on the department's homepage once they have been set. The members and Affiliated Members of the department are also informed in electronic form.

§ 4 Agenda of the Department board

- (1) The chair of the meeting proposes the agenda.
- (2) At the request of any member of the Department board, the chair of the meeting must include items in the agenda that have been communicated to it in writing or in electronic form no later than 10 days before a meeting. Necessary meeting documents and proposed resolutions must also be submitted.
- (3) Until the final agenda is set at the beginning of the meeting, the chair of the meeting and the members of the Department board are authorized to propose further agenda items whose discussion has only become urgently necessary after the invitation has been issued.
- (4) The Department Board shall set the agenda by a simple majority of the voting members present and may decide not to deal with individual agenda items for the respective meeting by a 2/3 majority of those present and entitled to vote. The agenda items not discussed must be included in the agenda for the next meeting and discussed at this meeting.
- (5) Individual items on the agenda may not be postponed against the vote of the chair of the meeting.

§ 5 Public

- (1) The meetings of the Department board are generally open to the public in accordance with Section 12 (2) of the administrative agreement.
- (2) The public may be excluded by resolution in justified exceptional cases. Motions to exclude the public may only be justified, discussed and decided in a closed session.
- (3) Personnel matters are dealt with in closed sessions.

§ 6 Quorum of the Department board

- (1) The Department board is quorate if more than half of its voting members are present and the meeting has been duly convened. The quorum must be established by the chairperson at the beginning of the meeting. In matters that directly affect research and teaching within the department, the votes of professorial members must constitute a majority in accordance with Section 11 (2) HG.
- (2) The Department Board shall be deemed to have a quorum as long as it has not been established that it is not quorate.
- (3) If the chair of the meeting determines that the Department Board does not have a quorum, it shall adjourn the meeting and convene the Department Board for a new meeting on the same subject within a maximum period of four weeks, subject to a notice period of one week. The Department board then has a quorum regardless of the number of members present. This provision must be expressly referred to when the second meeting is convened.

§ 7 Bias

The members of the Department board and its committees may not participate in the discussion and voting of matters that could bring direct personal advantages or disadvantages to themselves or close Affiliated Members. The exercise of voting rights in elections remains unaffected.

§ 8 Information of the Department board

(1) The chair of the meeting shall report regularly to the Department board on the conduct of their office.

(2) The chair of the meeting is obliged to answer written questions from Department board members at the next meeting of the Department board, provided they have been submitted at least five working days before this meeting.

§ 9 Voting in the Department board

(1) Motions shall be decided by vote if there are no requests to speak on the matter or if a procedural motion for a vote has been adopted.

(2) The wording of the motions to be voted on shall be announced by the chair of the meeting prior to the vote. The motion with the most far-reaching content shall be voted on first. The chair of the meeting shall decide on the order in which the motions are put to the vote.

(3) Voting shall be by show of hands or electronic sign. Any voting member of the Department board may request a secret ballot. Decisions on personnel matters are made by secret ballot (Section 12 (2) HG). Votes on rules of procedure are always taken by a show of hands or electronic sign.

(4) Each outvoted member may present a dissenting position in a written special vote, provided this has been announced at the meeting. The special vote must be submitted within a deadline to be set by the chair of the meeting, together with the reasons for the vote. The announcement of the special vote and the deadline for the statement of reasons must be recorded in the minutes. The special vote must be attached to resolutions that are to be submitted to other bodies (Section 12 (3) HG).

§ 10 Speech on the Rules of Procedure of the Department board

(1) Points of order may be motions for points of order or comments on points of order.

(2) The following procedural motions are possible:

- a) Determination of the quorum
- b) Repetition of a vote or ballot due to obvious formal errors
- c) Cancellation and adjournment of the meeting
- d) Transition to the next item on the agenda
- e) Postponement of an item on the agenda
- f) Failure to deal with an application

- g) Transfer of an item
- h) Conclusion of the debate
- i) Closing of the list of speakers
- j) Limitation of speaking time, but not less than five minutes
- k) Temporary interruption of the meeting
- l) Granting the right to speak to non-members of the Department board
- m) Exclusion of the public

(3) The vote on points of order shall be taken by establishing that there is no objection. If a member raises an objection to a motion, a decision on the motion shall be taken by a simple majority of the members present and entitled to vote after hearing a maximum of two speakers. If there are several points of order, they shall be decided on in the order specified in paragraph 2.

(4) Resolutions on points of order require a 2/3 majority of the members entitled to vote to be rescinded or amended at the same meeting.

(5) Comments on the Rules of Procedure shall include suggestions on the procedure, factual corrections, the submission of a personal statement or a statement protocol as well as objections.

§ 11 Transfer of voting rights in the event of absence

(1) If a member is absent from the meeting, he/she may transfer his/her vote to a member who is entitled to vote. The person who is unable to attend must inform the chair of the meeting that he/she is not attending and to whom he/she is transferring his/her vote (a person to whom another person has transferred the right to vote cannot communicate the transfer of voting rights him/herself).

(2) A member may not have more than one delegated vote in addition to his or her own vote.

§ 12 Resolutions of the Department board

(1) Unless otherwise stipulated by the Higher Education Act, the administrative agreement or the Constitution, resolutions shall be passed by a majority of the members present and entitled to vote and delegated votes. In matters that directly affect research and teaching within the department, the votes of professorial members must constitute a majority in accordance with Section 11 (2) HG.

(2) If there is only one motion to be decided, a majority is reached if the votes in favor exceed the votes against. In the event of a tie, the motion is deemed to have been rejected. Abstentions count as votes not cast.

(3) If several motions have to be voted on at the same time, the motion that achieves a relative majority is adopted. In the event of a tie, further deliberation and voting is required.

(4) If the number of abstentions exceeds the sum of votes in favor and against, the chair of the meeting shall suspend the execution of the resolution once until the next meeting of the

Department board. In this case, a final vote on this agenda item must be taken again at the next meeting of the Department board.

§ 13 Circulation procedure in the Department board

- (1) In exceptional cases, the Department board may pass a written resolution, including in electronic form, if no more than three members object. Written resolutions are passed by a majority of the members entitled to vote.
- (2) It is permissible to combine the approval procedure for the circulation procedure with the resolution on the motion.
- (3) Written or electronic decisions received after the deadline for written or electronic voting specified in the letter on the circulation procedure shall be disregarded. The deadline is one week and may be extended by one week at the request of a voting member of the Department board. The chair of the meeting may set a different deadline in exceptional cases.
- (4) In matters that cannot be postponed and in which a resolution of the Department Board cannot be brought about in time, the Director or the Deputy Director shall decide in consultation with the Executive Board. This does not apply to elections. The director or deputy director must immediately inform the Department board of the reasons for the decision taken and the manner in which it was made (Section 12 (4) HG).

§ 14 Protocol

- (1) Minutes must be taken of the meetings of the Department board, which must be approved by the chair of the meeting. The minutes must contain the wording of the resolutions and the voting results; they should summarize the essential course of the negotiations (minutes of the results).
- (2) The minutes of the meeting shall be sent to each member of the Department board in electronic form no later than 10 working days after the meeting. The minutes may be voted on by circulation or at the next meeting. The Department board decides on objections to the accuracy of the minutes by a simple majority. If changes are proposed, the revised minutes are sent again to all members of the Department board and discussed by the members of the Department board at the beginning of the following meeting and final minutes are adopted.
- (3) The minutes of the results shall be made available electronically to the members and Affiliated Members of the Doctoral College, omitting the agenda items that were not discussed in public.

§ 15 Suspension of resolutions of the Department board

Unlawful resolutions must be objected to by the Chairperson of the Board of Management. The objection has a suspensive effect. The objected resolution must be discussed and decided on again at the next meeting. If the resolution is again objected to as unlawful, the Doctoral School Senate decides.

§ 16 Joint committees

- (1) In the case of decisions on matters that affect several departments and require coordinated action, joint committees shall be formed by the Department boards involved in accordance with Section 26 of the administrative agreement. The requirement of gender-equitable composition of Bodies or Boards or Committees (§ 11b HG) must be observed.
- (2) The committees must include representatives of the Department Boards involved, and the status groups represented in the Department Boards and a member of the Executive Board should also be represented. The status group representatives do not have to be members of the Department boards.
- (3) The joint committees shall elect a chairperson and deputy chairperson from among their members. He or she shall prepare and chair the meetings of the committees in consultation with the directors.
- (4) These Rules of Procedure shall apply mutatis mutandis to the procedure of the committees, unless they have adopted their own rules of procedure.
- (5) The joint committees shall meet in public.
- (6) The chairmen of the committees shall report to the Department boards on the status of the deliberations in the committees.

§ 17 Interpretation and amendment of the Rules of Procedure

Deviations from the provisions of these Rules of Procedure in individual cases are permitted if, as determined by the chair of the meeting, no more than 1/4 of the voting members of the Department board object. Amendments to these Rules of Procedure are adopted by the Department Board with a 2/3 majority of the voting members.

§ 18 Severability clause

Should any provision of these regulations be invalid, this shall not affect the validity of the remaining provisions. An invalid provision shall be replaced by a new, valid provision that comes as close as possible to the meaning and purpose of the original provision.

§ 19 Entry into force

The Rules of Procedure of the Department of Construction and Culture shall enter into force on the day following their publication in the Doctoral School NRW's promulgation journal.

Executed on the basis of the resolution of the Department board dated 05.05.2022.

Aachen, 05.05.2022

The Chairwoman of the Department board

signed. *Stöckert*

(Prof. Dr.-Ing. Ulrike Stöckert)

Informational Version