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RULES OF PROCEDURE OF HEIDELBERG UNIVERSITY

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IMPRESSUM

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RULES OF PROCEDURE OF HEIDELBERG UNIVERSITY OF 8 JULY 2021

Based on §§ 10 (8), 19 (1) sentence 2 No. 10 of the Act on Higher Education of the Land of Baden Württemberg (Landeshochschulgesetz; LHG) as amended on 1 April 2014 (GBl. p. 99), the senate of the University adopted the following by-laws on 8 July 2021, amending the Rules of Procedure of Heidelberg University of 19 November 2006 (MBI. No. 02 / 2007 of 8 January 2007, p. 11 et seq.), as amended by the by-laws of 24 April 2020 (MTB No. 02 / 2020 of 27 April 2020, p. 93 et seq.) and of 16 June 2020 (MTB No. 07 / 2020 of 22 June 2020, p. 203).

§ 1 Scope

These rules govern the procedure in boards, committees, and commissions of Heidelberg University (hereinafter the Boards) with the exception of the Rectorate and the University Council, which govern their own procedures by dedicated procedural rules. Deviation from these rules of procedure is only permitted by the by-laws.

§ 2 Convening of meetings

- (1) The chairperson shall convene the Board for the meeting in writing, including by email, with a period of notice of at least five days, stating the provisional agenda and including the documents for discussion. The invitation deadline shall be met if the invitation is mailed five days before the meeting. In urgent cases, the Board may be convened without notice or formalities. If decisions are to be made in the written or electronic procedure within the

meaning of § 8 (1), the chairperson of the Board shall initiate the procedure while at the same time setting the response period. The response period shall be at least five days.

- (2) The Board must be convened without undue delay if one third of all voting members or the Rectorate requests this from the Board's chairperson in writing in accordance with § 16 (7) LHG, stating the subject of the meeting. The subject of discussion must be part of the Board's area of responsibility.
- (3) The objection that a meeting has not been properly convened must only be raised until commencement of the subsequent meeting. If the body accepts the objection as justified, the meeting must be repeated unless at least two-thirds of the voting members of the Board present declare the defect remedied.
- (4) Members who are unable to attend the meeting shall notify the chairperson in writing or by email without undue delay. If a deputy is provided for, the member prevented from attending shall disclose their deputy without undue delay and ensure that they receive the invitation and meeting documents in time.

§ 3 Preparation of the provisional agenda, invitation of experts and persons providing information / questions to the chairpersons

- (1) The chairperson shall compile the provisional agenda. If the date for a meeting has been fixed in advance, any proposals submitted by the 10th working day before to the meeting shall be considered. Proposals must be submitted in a form ready for decision and must be accompanied by a brief presentation of grounds.

- (2) The chairperson shall check on which agenda items experts and/or persons providing information are to be consulted and invited when compiling the provisional agenda.
- (3) The chairperson may call in staff members from their administrative area to assist them and to delegate the presentation on individual agenda items to them.
- (4) Questions to the chairperson may be submitted either in writing prior to the meeting or asked at the meeting. They shall be answered in writing or orally by the chairperson at the meeting. The Board may decide by a two-thirds majority to include the question as the last item on the agenda.

§ 4 Non-publicity of the meeting, information of the university members and affiliated members

- (1) Board meetings are not public, except for the senate's matters in accordance with § 19 (1) nos. 1 and 2, 12 to 14 LHG. The senate may decide to exclude the public if there are any disruptions. (§ 10 (4) LHG) The Board members are obligated to maintain confidentiality in accordance with § 9 (5) LHG; this shall also apply beyond the termination of their Board membership and shall include the documents for discussion.
- (2) Any decisions, voting and election results may be disclosed to other university Boards and institutions except where the Board decides otherwise or the chairperson orders secrecy; the Board members may have this decision of the chairperson reviewed in accordance with applicable legal provisions.
- (3) The senate and the faculty councils shall inform the members and affiliated members of the university of their meeting dates, any significant resolutions, and their composition in an appropriate manner as far as this is

compatible with protection of personal data and the secrecy of discussions; they may exempt subjects from disclosure in justified cases. The announcement shall be made in each case for a period of two years.

§ 5 Chairing the meeting

The chairperson shall open, conduct, and close the meeting. The oldest Board member in terms of age shall chair the meeting until election of a chairperson – as far as the chair has not already been established by virtue of office or appointment – and if the chairperson and the deputy chairperson are both prevented from attending. The chairperson shall take all measures and make all decisions required for orderly conduct of the meeting. They shall establish the quorum before opening of the meeting and, if necessary, at any time throughout. They shall interpret the rules of procedure in cases of doubt.

§ 6 Adoption of the agenda

- (1) The first item on the agenda is its adoption. A decision on involvement of experts and persons providing information is to be included when adopting the agenda.
- (2) Requests for the inclusion of further agenda items may still be made at the beginning of the meeting in exceptions. Resolutions for such proposals shall be passed separately; they shall require the approval of two-thirds of the members present each.
- (3) Addition of a new item to the agenda is excluded once the agenda has been adopted. Rearrangement of items or their removal from the agenda shall require the approval of two-thirds of the members present.

§ 7 Right to make proposals and to speak

- (1) The right to make proposals in the Boards shall be limited to the members and any committees and commissions of the Board through their respective chairpersons.
- (2) Proposals must only be made in relation to an agenda item. The chairperson shall reject a proposal without discussion if it does not relate to any agenda item or does not fall within the scope of the Board's obligations.
- (3) Proposals regarding the procedural rules shall only deal with the course of the discussion. Requests to speak on the procedural rules shall be considered before requests to speak on the matter. The list of speakers shall be disclosed before a vote on proposals to end the debate and/or to vote immediately and to close the list of speakers. Proposals on the procedural rules shall be put to the vote immediately after the person making the proposal has stated the reasons and a justified rebuttal has been given. If there is no rebuttal, the proposal shall be passed.
- (4) The members of the Board, the experts, and any persons providing information as well as any persons who participate in the meeting based on their right to information have the right to speak.

§ 8 Quorum

- (1) The Board shall have a quorum if at least half of its members with voting rights in the matter called for resolution are present and the meeting is properly chaired. A resolution passed by written or electronic procedure shall require participation of at least half of the members with voting rights on the matter in question. If a member is prevented from participating, this must be noted on the document or communicated in electronic form, stating the reason.

- (2) The quorum shall be lost automatically if less than half of all members of the Board are present or participate in the written or electronic procedure within the meaning of § 8 (1). Separate determination shall not be required in this case.
- (3) If the number of members present is insufficient to pass a resolution at two consecutive meetings duly convened, the chairperson may convene a third meeting without undue delay at which the Board shall have a quorum no matter the number of members present. This shall apply as well if the quorum is lost for any other reasons than bias. The consequence for the passing of resolutions shall be pointed out when convening the second and third meetings.
- (4) In case of bias on the part of a member, §§ 20 and 21 VwVfG shall apply *mutatis mutandis*. If a Board is unable to pass a resolution due to bias of members, the committee's chairperson shall take its place. The members not biased must be heard before a resolution is passed.

§ 9 Passing of resolutions

- (1) The Boards shall make decisions by resolutions, votes, and elections at a duly convened meeting. They may also adopt resolutions by written procedure (including transmission of written statements by simple electronic transmission) or in electronic form; this shall apply in particular to items of simple nature and approvals of minutes or if a resolution could not be passed due to disruption of a meeting. If a voting member objects to passing of a specific resolution by circulation or electronic procedure, the respective agenda item shall be covered at a regular meeting of the Board; such meeting may also be held in the form of a video conference in accordance with § 9a.

- (2) Any doubt as to the proper conduct of the written or electronic procedure must be reported without undue delay.
- (3) The chairperson shall note the end of the discussion and formulate the proposals submitted for resolution. If there are several proposals on the same matter, the chairperson shall determine the mode and order of passing of the resolutions.
- (4) Abstentions and invalid votes shall be counted in determining the quorum, but not in calculating the majority. §§ 20 and 21 of the State Administrative Procedure Act (Landesverwaltungsverfahrensgesetz)¹ shall not apply to any elections to be held by Boards and to proposals for such elections.
- (5) Boards shall regularly have an odd number of members. In decision-making Boards composed by membership groups, professors shall have at least one-half of the votes in making decisions on matters pertaining to teaching other than teaching evaluation, in matters concerning research or the appointment of university professors, they shall have the majority of votes (§ 10 (3) LHG).
- (6) As a rule, the Boards shall decide openly by a show of hands. Resolutions shall be passed by secret ballot in cases stipulated by law, the constitution, or the procedural rules of the Board, and further if that a quarter of the members present and entitled to vote on the matter in question request this. In personnel matters, it shall be sufficient for one individual member of the Board to request a secret ballot.
- (7) Resolutions shall be passed by a simple majority of votes cast, except if a different majority is stipulated by law, by the constitution, or by these rules of procedure. The chairperson shall announce the result following the passing of the resolution.

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The version valid at the time of entering into effect of these rules of procedure is attached as an annex. The version of the State Administrative Procedure Act in force at the time of passing of the resolution, vote, or election shall apply.

- (8) Elections shall be conducted by secret ballot. The person who has received more than half of the votes of the eligible voters present shall be elected. If such a majority is not achieved in the second ballot either, a third ballot shall be held, in the case of several candidates as a run-off between the two candidates who received the most votes in the second ballot; a simple majority of votes shall decide in this third ballot. In case of a tie, the decision shall be made by drawing lots.

§ 9a Phone and video conferences

- (1) Meetings shall be permitted as phone or video conferences, except if the majority of the voting members object within a deadline set by the chairperson or meetings in attendance are required on any other legal basis. The decision to hold a phone or video conference shall be made by the chairperson. The chosen form must permit simultaneous and joint formation of the Board's will, essentially comparable to a face-to-face meeting. The meeting may also be held with partial presence of the Board members and connection of individual members via phone and/or video.
- (2) Except as otherwise provided in this paragraph, the other provisions of these rules of procedure shall apply mutatis mutandis to phone and video conferences.
- (3) If a meeting is convened as a phone or video conference, convening shall also include the dial-in data; the dial-in data must be communicated no later than 12 noon on the working day preceding the phone or video conference. The invitation and other documents will be transmitted electronically only. Selection of an appropriate system shall be the chairperson's responsibility, subject to legal requirements; selection shall be limited to systems approved for use by the university. When preparing the phone

or video conference, the chairperson shall ensure that the measures provided for according to the respective state of the art to ensure technical operability have been taken. They shall inform the members and other persons entitled to participate of the system requirements for participation and operation in time to enable them to take the necessary measures on their sides.

- (4) A member shall be considered present upon successful establishment of the connection to the selected system. A connection shall be considered successful if the chairperson of the meeting can establish their identity beyond doubt by voice and, in the case of a video conference, additionally by a transmitted real-time image, and if the member can communicate with the other participants. This shall also apply to the other persons entitled to participate.
- (5) All participating persons are obligated to ensure that the phone or video conference cannot be followed by any unauthorised persons at their respective locations. Recording of the meeting by the persons participating is not permitted. The chairperson shall explicitly point this out at the beginning of the phone or video conference, along with the confidentiality requirements.
- (6) The chairperson shall check with all participants to ensure that there is still a quorum before a vote is taken. Voting must take place in such a way that the result of the vote can be determined beyond doubt and that multiple votes and votes by non-voting participants are excluded; in particular, the chairperson may determine a roll call vote. If the quorum is lost due to disconnection, the chairperson shall stipulate a reasonable break in the meeting to allow the persons participating to reconnect to the system. If the quorum cannot be established due to another disconnection before the third voting attempt, the chairperson shall

decide whether the phone or video conference is to be terminated prematurely and repeated as a phone or video conference at a later time, if necessary using a different system.

- (7) In case of secret ballots, resolutions shall be passed by written or electronic procedure in which a secret ballot is guaranteed by the members entitled to vote; the chairperson shall be responsible for determining the procedure.
- (8) Paragraph 7 shall apply mutatis mutandis to elections in Boards.
- (9) If any agenda items are to be dealt with in public session as an exception, the university public may participate by suitable electronic systems for concurrent reproduction of the phone or video conference. In this case, it shall be announced that the public meeting of the Board will be conducted by phone or video conference; the notice shall include an explanation of how the public portion may be followed.
- (10) In addition to the form of the meeting, the system used for the phone or video conference must be recorded in the meeting minutes. An overview of the participants must be attached in addition to this. The reasons for conducting the meeting as a phone or video conference shall be documented. The place of the meeting will not be named in this case.
- (11) After the conference, the participants confirm by email to the chairperson that they have participated in the phone or video conference. The emails are to be added to the minutes.
- (12) If there is any reason for exclusion or bias, a person entitled to participate must inform the chairperson without

undue delay and leave the virtual room. After the reason for exclusion or bias has ceased to apply, the chairperson shall determine an appropriate interruption to enable the person in question to reconnect successfully. The chairperson shall call the person in question to ask them to reconnect.

- (13) Video and audio transmission of a meeting shall be permissible as long as and to the extent that this is necessary
- to properly conduct the meeting or
 - with regard to a legally required university public.
- Recording or otherwise storing the image and sound data is not permitted unless it is required for transmission.

§ 10 Personal declaration/personal statement

The chairperson shall give the floor for personal declarations after conclusion of an agenda item. A time of three minutes must not be exceeded for this. The declaration shall be given to the keeper of the minutes in writing and attached to the minutes. The personal declaration may be submitted as a personal statement in writing, if necessary supplemented, as soon as possible after the respective meeting. This shall be sent to the members of the Board together with the minutes of the meeting.

§ 11 Right to make emergency decisions

In urgent matters that cannot be postponed until a meeting of the Board, the chairperson of the Board shall make a decision in its place; this shall not apply in matters of the senate in accordance with § 19 (1), sentence 2, Nos. 1, 2, 12, 13, and 14. The procedural rules of the Boards may exempt individual matters from the right to make urgent decisions. The reasons for the urgent decision and the manner of its execution shall be communicated to the members of the Board without undue delay, but no later than at the next meeting.

§ 12 Minutes/senate disclosure

- 1) Minutes shall be kept of the main course of the discussions of the Board. This shall also apply to a written or electronic procedure within the meaning of § 8 (1) as well as meetings by phone or video conference in accordance with § 9 a. The chairperson shall appoint the keeper of the minutes. The minutes must contain:
 - the day and place of the meeting,
 - the name of the chairperson,
 - the names of the members present and absent,
 - the names of the other contributors and their function,
 - the subjects of discussion,
 - the proposals,
 - the voting and election results,
 - the wording of the resolutions, and
 - a note of personal declarations, if any,
 - in the case of phone or video conferences, the information in accordance with § 9 a (10).
- (2) The minutes shall be signed by the chairperson of the meeting and by the keeper of minutes.
- (3) The minutes must be sent to the Board members without undue delay after completion. Any objections to the minutes or the annexes must be declared in writing by the earlier of the start of the meeting following dispatch of the minutes or by the end of the response period to the next written procedure. If the chairperson does not agree to an amendment of the minutes in accordance with an objection, the Board shall decide on this. When the objections are settled, the minutes shall be considered approved.
- (4) A “senate disclosure” folder is provided at senate meetings. It contains the agendas, resolutions, and election results of senate commission and faculty conference meetings. It also contains an overview of all already known meeting dates of the above Boards.

§ 13 Committees

- (1) The Board may form advisory or decision-making, standing or non-standing committees for individual sub-sections or parts of them or for certain special tasks, provided that the formation of committees is not prohibited by law or by the constitution. Unless a proposal for the establishment, composition, and appointment of a committee has already been announced with the invitation to the meeting, two thirds of the members present may also request the establishment, composition, and appointment of a provisional committee without a prior proposal. A final decision on the appointment shall be made at the following meeting of the Board or by written or electronic procedure within the meaning of § 8 (1).
- (2) The voting members of the deciding committees must be members of the Board; the university professors and lecturers must have the majority in deciding senate commissions (§ 19 (1) s. 4 LHG). If members from different groups are to be appointed to committees, the respective representatives of the group in the Board shall have a right of nomination.
- (3) The term of office of members of the decision-making and advisory committees, except for the students, shall be two years, unless otherwise decided. The term of office of the members of the advisory committees shall always end with the term of office of the elected members of the Board.
- (4) The Board may decide which member of the committee will chair it at the time it is establishing any committees. If no chair is designated, the committee members shall elect a chairperson from among them.
- (5) Each Board member shall be granted access to the committee documents upon request. Each Board member

shall have the right to attend committee meetings without the right to speak or vote. The invitations to the meetings shall be sent to them upon request.

- (6) A committee may be dissolved at any time by the convening Board. This decision shall require the majority of the members of this Board.

§ 14 Violations of the rules of procedure

Any objection that resolutions have not been passed or elections have not taken place in accordance with these rules of procedure must be raised no later than at the beginning of the next meeting. §§ 8 (1) sentence 3, (10) sentence 4 of these rules of procedure and § 10 (5) LHG shall remain unaffected. If the objection is recognised as justified by the Board, the matter shall be discussed and resolved or voted on again at the meeting.

§ 15 Entering into effect

These rules of procedure shall enter into effect on the day following their publication in the Vice-Chancellor's gazette. At the same time, the previous rules of procedure of the university of 19 November 2006 (MBI. No. 02/ 2007 of 8 January 2007, p. 11 et seq.), last amended by the by-laws of 17 June 2020 (MBI. No. 07/ 2020 of 22 June 2020, p. 201 et seq.) shall cease to have effect.

ANNEX

ADMINISTRATIVE PROCEDURE ACT FOR BADEN-WÜRTTEMBERG

(State Administrative Procedure Act [Landesverwaltungsverfahrensgesetz] – LVwVfG)

– Extract –

§ 20 Excluded persons

- (1) The following persons must not act for a public authority in any administrative procedures:
 1. persons who are also a party of the procedure,
 2. persons who are a relative of a party of the procedure,
 3. persons who represent a party by operation of law or power of attorney in general or in the specific administrative procedure,
 4. persons who are relatives of a person representing a party in this procedure,
 5. persons who are employed by a party against remuneration or who are members of its management board, supervisory board, or similar body; this shall not apply to persons whose employing entity is a party,
 6. persons who have given an expert opinion or otherwise acted in the matter outside of their official capacity.

Any person who may gain a direct advantage or disadvantage from the activity or from the decision shall be deemed equivalent to the party. This shall not apply if the advantage or disadvantage is based solely on the fact that a person belongs to an occupational or population group whose common interests are affected by the matter.

- (2) Paragraph 1 shall not apply to elections to an honorary position and to the dismissal from honorary positions.
- (3) Anyone who is excluded under paragraph 1 may take measures that cannot be postponed in case of imminent danger.
- (4) If a committee member (§ 88) considers themselves excluded or if there are any doubts as to whether the requirements of paragraph 1 are met, this must be reported

to the committee chairperson. The committee shall decide on exclusion. The party must not participate in this decision. The excluded member must not be present during further deliberations and the passing of resolutions.

- (5) Relatives within the meaning of paragraph 1 nos. 2 and 4 shall be:
1. the fiancé,
 2. the spouse,
 - 2a. the life partner,
 3. relatives and in-laws in a direct line,
 4. siblings,
 5. children of siblings,
 6. spouses of siblings and siblings of spouses,
 - 6a. life partners of siblings and siblings of life partners,
 7. siblings of parents,
 8. persons connected by a long-term foster relationship with domestic community such as parents and child (foster parents and foster children).

Relatives shall include the persons listed in sentence 1 even if

1. the marriage on which the relationship is based no longer exists in the cases of numbers 2, 3, and 6,
- 1a. the civil partnership on which the relationship is based no longer exists in the cases of numbers 2a, 3, and 6a;
2. the relationship or in-law relationship has ceased by adoption as a child in the cases of numbers 3 to 7,
3. the domestic community no longer exists in the case of number 8, provided that the persons continue to be related to each other like parents and child.

§ 21 Concern of bias

- (1) If there is a reason to mistrust the impartial performance of official duties, or if a party claims that there is such a reason, anyone who is to act for a public authority in an administrative procedure shall inform the head of the public authority or the person authorised by them and shall abstain from participating if ordered to do so by the head of the public authority. If the concern of bias relates to the head of the public authority, this order shall be given by the supervisory authority, unless the head of the public authority abstains from participating on their own decision.
- (2) § 20 (4) shall apply mutatis mutandis to members of a committee (§ 88).

