

Bylaws (GeschO)
of the Group Representation for Academic Staff
of RWTH Aachen
University
Dated June 12, 2018

Please note that the English version of this guideline is purely for your convenience and is not legally binding. Only the German version is legally binding.

Based on § 2 (4) of the law governing the Universities of the Federal State of North Rhine-Westphalia (Higher Education Act – HG) in the version of the announcement dated September 16, 2014 (Law and Official Gazette of the State of North Rhine-Westphalia p. 547), most recently amended by Art. 3 of the Act to Ensure the Accreditation of Degree Programs in North Rhine-Westphalia dated October 17, 2017 (Law and Official Gazette Of the State of North-Rhine Westphalia p. 806) in conjunction with § 9 of the Basic Regulations of RWTH Aachen University of September 21, 2007, in the sixth revised version dated April 4, 2018, published as a complete version, RWTH Aachen University (RWTH) has issued the following regulations:

Section 1: Group of Persons Represented

§ 1 Eligible Members

The academic and artistic staff members as well as the instructors for special tasks are represented, as far as they are members of the group of academic staff in the sense of § 11 (1) no. 2 HG. They will be referred to as WM in the following document. The whole group is called the "Group Representation for Academic Staff." They have both active and passive voting rights in the bodies of the Group Representation for Academic Staff and in the bodies of the University in accordance with the valid election regulations.

§ 2 Non-Voting Members

The following shall also be represented: graduate assistants with a Master's degree, insofar as they are members of RWTH within the meaning of Section 9 (4) HG, adjunct teaching staff, habilitation candidates, full-time employees of RWTH's affiliated institutes, scholarship recipients, academic staff who have retired, and full-time employees of academic institutions of RWTH established in accordance with Section 29 (5) HG holding a university degree, insofar as their activities are equivalent to those of academic employees within the meaning of the Basic Regulations.

Section 2: Bodies of the Group Representation

§ 3 Bodies

The bodies of the Group Representation for the academic employees are

1. the General Assembly (VV),
2. the General Representation (GV),
3. the Executive Board,
4. the Faculty Assemblies of the Academic Staff (FVWM).

§ 4 The General Assembly

- (1) The General Assembly (VV) of the group of persons defined in section 1 serves to formulate University policy and to inform the academic staff. It hears the report of the spokesperson. It may comment on matters of higher education policy. It has the right to veto amendments to the Bylaws if at least 20% of all persons working at RWTH Aachen University according to § 1 participate in the General Assembly and the veto is decided by a majority of the votes cast.
- (2) The General Assembly shall be convened by the Executive Board at least once during the election period. The meeting date will be announced at least 2 weeks in advance. Further meetings are convened
 1. at the request of the Executive Board of the Group Representation for Academic Staff,
 2. at the request of at least 10% of the group of persons defined in § 1,

3. at the request of at least one Faculty Assembly of Academic Staff.
- (3) It shall be chaired by the General Representation Presiding Officer (VL), unless the General Assembly elects another Presiding Officer.

§ 5

The General Representation

- (1) The number of members of the General Representation (GV) is normally 50. It includes the members according to § 5 (2) as well as further members to be elected within the faculties or the central institutions along with the University administration. Further details are governed by § 25.
- (2) The Senate members from the WM group and their first deputy are ex-officio General Representation members.
- (3) If a member of the General Representation is prevented from attending or resigns, the next-placed member on the same list shall take their seat and vote.
- (4) The Chairperson of the Staff Council of the Academic, Medical and Artistic Staff of RWTH Aachen University (PRwiss) is a guest at the General Representation with the right to speak and propose motions.
- (5) Persons according to § 1 and § 2 may participate in the meetings of the General Representation as guests with the right to speak.
- (6) The General Representation shall primarily perform the following duties:
- a) It serves to formulate University policy and to inform the WM.
 - b) It elects its Presiding Officer (VL) and the Executive Board.
 - c) It may adopt amendments to these Bylaws.
 - d) It makes proposals for WM representation in commissions and committees at the central level of RWTH Aachen University. These proposals are usually determined by election of the candidates. In the case of appointments to temporary bodies, the Executive Board shall decide on the appointment procedure.
 - e) It elects representatives for special tasks within and outside the University.
 - f) It decides on the formal ratification of the activities of the Executive Board at the last session of its term of office.
- (7) The Presiding Officer shall convene the General Representation at least once during the semester in the lecture period. The invitation is sent by the Presiding Officer no later than 7 days before the date of the meeting. It must be accompanied by an agenda. The Presiding Officer announces the scheduled meeting dates at the beginning of the semester. Further meetings are convened
- (1) by resolution of the Executive Board,
 - (2) at the request of at least 20% of the members of the General Representation.

§ 6

The Executive Board of the Group Representation

- (1) The Executive Board of the Group Representation is composed of the spokesperson, their two deputies, and the chairperson (VL) of the General Representation.
- (2) The Executive Board of the Group Representation is further joined by a permanent member

from the staff council of the academic, medical and artistic employees of RWTH Aachen University (PRwiss) who has the right to speak and propose motions, but does not have the right to vote.

- (3) The spokesperson is responsible for representing the group in University policy matters and for managing the Group Representation.
- (4) The speaker of the Group Representation is elected from among the academic staff (WM) members in the Senate for a period of 2 years by the General Representation in accordance with the Bylaws (GeschO). The two deputies shall be elected for the same term of office from among the members of the General Representation.
- (5) The Executive Board prepares the elections of the WM to the self-governing bodies of RWTH.

§ 7 The Faculty Assembly of the Academic Staff (FVWM)

- (1) The FVWM is the assembly of the group of persons described in § 1, each of whom belongs to the faculties named in the Basic Regulations.
- (2) It serves to make decisions, inform and advise the academic staff (WM) at the faculty level. FVWM representatives on Group Representative bodies and University committees are accountable to the FVWM.
- (3) The FVWM is headed by a chairperson. The chairperson and the deputy chairperson are elected in the FVWM by a simple majority of the group of persons defined in § 7 (1) for a period of 2 years. Upon request, the election may be conducted by secret ballot. Their term of office is determined by that of the Faculty Council. The election of the chairperson and the deputy chairperson must be held in due time before the beginning of the respective term of office. In the event of the resignation or retirement of the chairperson, the deputy chairperson shall take their place.
- (4) The chairperson shall convene the FVWM at least once during the election period. Further meetings shall be called by the chairperson
 1. at their own discretion,
 2. upon request of at least 10% of the group of persons defined in § 7 (1).
- (5) The FVWM shall be convened with a proposed agenda in an appropriate form no later than 7 days before the date of the meeting.
- (6) All persons according to § 2 may participate as guests in the FVWM of their faculty with the right to speak.

§ 8
**Academic Staff at the Central Scientific
Institutions, Central Operating Units
and in University Administration**

The academic staff members who do not belong to any of the faculties shall form a joint FVWM; § 7 shall be applied accordingly.

Section 3 Rules of Procedure

Subsection I
General Assembly (§ 4) and General Representation (§ 5)

§ 9
Convocation

The convocation for the General Assembly (VV) and General Representation (GV) is made by the Presiding Officer (VL).

§ 10
Time, Place, Provisional Agenda

Within the framework of these Bylaws, the Presiding Officer (VL) shall determine the place, time, and provisional agendas.

§ 11
Form and timeliness of the Invitation

The General Assembly (VV) shall be convened in accordance with § 4 (2), and the General Representation in accordance with § 5 (7), stating the time, place and provisional agenda.

§ 12
Public

The meetings are generally open to the public. The public may be excluded by a majority vote of the members of the body present. The deliberation on the exclusion of the public shall be held without the presence of the public.

§ 13 Agenda

- (1) Before the agenda (TO) can be followed, it must first be approved by the General Assembly(VV) or the General Representation (GV).
- (2) A motion to add, shorten, or change the order of items in the agenda must be made before the agenda is entered.
- (3) Agenda items that are not on the provisional agenda can only be dealt with if
 1. a simple majority at the General Assembly approves this, or
 2. it is approved by a majority of the votes cast at the General Representation.
- (4) No resolutions may be passed under the agenda item "Miscellaneous" and under agenda items pursuant to sentence (3).
- (5) Any member of the General Assembly and the General Representation may ask the Presiding Officer (VL) to add an item to the provisional agenda. This must be done in writing to the Presiding Officer in sufficient time for the agenda item to be included
 1. in the General Assembly in the announcement pursuant to § 4 (2) or
 2. in the invitation to be sent out for the General Representation.

§ 14 Quorum

A duly convened General Assembly (VV) (§ 4 (2)) or General Representation (GV) (§ 5 (7)) shall constitute a quorum.

§ 15 Presiding Over the Assembly

- (1) The Presiding Officer (VL) opens, chairs, and closes the Plenary Meeting or the General Representation, has an attendance list kept and exercises the domiciliary rights in the meeting room.
- (2) The Presiding Officer calls the items of the agenda and gives the floor to speakers in the order they requested to speak. If the list of speakers is exhausted or no one wishes to speak, the Presiding Officer declares the discussion closed.
- (3) The Presiding Officer may withdraw the floor from speakers who do not focus on the given point of the agenda after a single warning. It may call to order members who disturb the peace and good order of the meeting and, if necessary, exclude them from the rest of the meeting.
- (4) If the proper conduct of the meeting is not guaranteed, the Presiding Officer may interrupt or close the meeting.

§ 16 Majorities

Majorities for votes and elections are designated as follows:

- (1) A simple majority exists if more votes are cast in favor than against. In the event of a tie, a motion shall be deemed rejected. Abstentions and invalid votes are not counted.
- (2) A majority of the votes cast shall be deemed to exist if the votes in favor outweigh all votes against, abstentions, and invalid votes.
- (3) The absolute majority within the meaning of these Bylaws shall be the majority of the members belonging to a body.

§ 17 Proposals

- (1) Proposals for the respective committee can be submitted by all members of the General Assembly (VV) or the General Representation (GV). All motions, with the exception of those on the Order of Business (§ 18), must be submitted to the Presiding Officer (VL) in writing prior to the vote.
- (2) Motions shall be decided by vote if there is no request to speak on the matter and the Presiding Officer has declared the debate closed or a motion on the Order of Business (GO) for an immediate vote has been approved.
- (3) Voting shall be by a show of hands of the members. At the request of a member, voting shall be by secret ballot; this shall not apply to motions on the Order of Business.
- (4) Motions shall be voted on in the following order:
 1. Extensive motions, for which main motions and all related motions lapse if they are adopted.
 2. Requests for amendments and additions,
 3. Main motions.
- (5) Resolutions are passed by simple majority.
- (6) During the vote, the right to speak and to make motions shall be suspended.
- (7) The Presiding Officer determines the result of the vote and announces it.
- (8) A resolution of the General Representation can only be changed by a majority of the votes cast.

§ 18

Motions on the Order of Business (GO)

- (1) Motions on the Order of Business (GO) shall be indicated by raising both hands. The Presiding Officer (VL) shall give the floor to the speaker wishing to discuss Order of Business (GO) immediately, or outside the order of the list of speakers, immediately after the current speaker has spoken. Votes and elections may not be interrupted by motions on the Order of Business (GO)
- (2) The following motions on the Order of Business (GO) may be made:
 1. Non-referral to the agenda item,
 2. Resumption of an agenda item closed in the same meeting,
 3. Adjournment or cancellation of the meeting,
 4. Exclusion of the public,
 5. Adjournment of an item for discussion,
 6. Interruption of the meeting,
 7. Transition to the next agenda item,
 8. Limitation of speaking time or its removal,
 9. Closing of the existing list of speakers,
 10. End of debate,
 11. Closure of the discussion and immediate vote on the motions at hand,
 12. Repetition of a vote or ballot due to obvious formal errors,
 13. Personal statements.
- (3) Motions on the Order of Business and objections do not require a statement of reasons. If there is no objection to a motion on the Order of Business, the motion shall be adopted. Otherwise, after hearing an opposing speaker, a decision shall be taken by simple majority. If several motions on the Order of Business are submitted at the same time, a decision shall be taken on them in the order specified in subsection 2. The issuance of a personal statement may not be prevented by a resolution.
- (4) The Chairperson may not give the floor for personal statements until the agenda item has been completed. The speaking time for personal statements shall not exceed 3 minutes.

§ 19

Minutes

- (1) Minutes must be kept of each General Assembly (VV) or General Representation (GV), which must contain at least the following:
 1. the names of the members present,
 2. day, place, beginning, and end of the meeting,
 3. the approved agenda,
 4. the main points of the deliberations and the course of the deliberations,
 5. the resolutions adopted on the individual agenda items in their wording with the voting results.
- (2) The General Assembly shall elect a minute taker at the respective meeting.
- (3) In the General Assembly, the minutes are taken alternately by members from the faculties or the central institutions in combination with the university administration, if the Presiding Officer does not take the minutes ex officio.

- (4) The draft minutes must be signed by the Presiding Officer
- (5) The draft minutes of the General Representation meeting shall be sent to the members together with the agenda of the following meeting. The draft minutes must be submitted to the General Representation for approval.

§ 20

Constitution of the General Representation

The General Representation (GV) shall be convened for its constituent meeting by the Presiding Officer of the incumbent General Representation at the beginning of the term of office.

The Presiding Officer and both deputies shall be elected at the constituent meeting of the General Representation in accordance with § 21 (1). The newly elected Presiding Officer shall chair the remainder of the meeting.

§ 21

Election of the Spokesperson and their Deputy

- (1) The election of the spokesperson shall take place at the constituent meeting by absolute majority. If the first ballot does not result in an absolute majority, further ballots shall follow in which a simple majority shall suffice. After a first ballot, the list of candidates may be reopened no more than twice.
- (2) The two deputies may also be elected at the constituent meeting, at the latest at the following meeting, by simple majority.
- (3) In the event of the resignation of the Executive Board or one of its members, a new election or by-election is required. Until a new election is held, the Executive Board member in question shall hold office on a provisional basis.

§ 22

Removal of Members of the Executive Board by Vote

- (1) The General Representation (GV) may remove the members of the Executive Board by a majority of the votes cast in a secret ballot.
- (2) A spokesperson can only be voted out of office by electing a new spokesperson.
- (3) A motion of no confidence must be an item on the agenda proposal sent out. At least half of the statutory members of the General Representation (GV) must be present when this item is discussed.

Subsection II

Faculty Assembly of the Academic Staff (FVWM)

§ 23

The rules of procedure of Section I shall apply accordingly to the FVWM.

Subsection III

Elections to the Self-Governing Bodies of RWTH Aachen University

§ 24

Election of the academic staff to the Senate

- (1) The election of the academic staff (WM) to the Senate, as well as the filling procedure of the seats is carried out according to the election regulations of RWTH Aachen University.
- (2) The number of representatives of the academic staff in the Senate is regulated by the Basic Regulations of RWTH.

§ 25

Election of the academic staff to the General Representation

- (1) The election of academic staff (WM) to the General Representation (GV) is carried out in accordance with the election regulations of RWTH Aachen by the acting Executive Board of the Group Representation.
- (2) All persons as defined in § 1 according to the electoral roll for the election to the Senate in accordance with the electoral regulations of RWTH are eligible to vote and be elected.
- (3) The Executive Board shall determine whether the election is to be conducted by mail or as an Internet-based online election (electronic election) with the option of voting by mail. An electronic election is only permissible if the applicable principles of electoral law, in particular the principles of secret ballot and public election, are observed in its implementation.
- (4) The distribution of the mandates according to § 5 (1) to the nine faculties and the area of the central institutions along with the university administration (in total 10 areas) is carried out in such a way that initially each of the 10 areas is assigned a basic mandate. The remaining 40 seats shall be allocated according to the d'Hondt maximum number method, taking into account the respective number of eligible voters. The members according to § 5 (2) shall be taken into account in the total number of mandates per faculty and the area of the central institutions along with the University administration determined in this way. If one of the areas is represented with only one basic mandate, it receives an additional overhang mandate. The total number of members may then slightly exceed 50.
- (5) Before each election to the General Representation, the Executive Board shall determine, in accordance with § 25 (2), how many mandates are allocated to each faculty or the area of the central institutions along with the University administration.
- (6) In the case of electronic elections, the election documents may also be sent electronically.
- (7) Multiple membership in the General Representation is ruled out. The General Representation mandate is exercised in the order Senate, General Representation election.

The vacant General Representation seat shall be held by the next-place finisher in accordance with the election result.

- (8) If an alternate moves up to the Senate in the course of the term of office, the person next on the corresponding list shall become an automatic member of the General Representation. If this increases the number of mandates of the faculty, this faculty receives an overhang mandate.

§ 25a

Implementation of Electronic Elections

- (1) Insofar as not regulated in the RWTH election regulations, the provisions pursuant to §§ 25 b - 25 f shall apply to conducting electronic elections.

§ 25 b

Voting in the Electronic Election

- (2) The persons entitled to vote shall receive their election documents in the manner described in Section 25 (6). The documents consist of the election letter as well as information on how to conduct the election and how to use the election portal. The voting portal enables voting by calling up an electronic ballot.
- (3) Voting shall take place in electronic form. The electronic ballot must be completed and submitted electronically in accordance with the instructions contained in the election letter and on the election portal. The electronic voting system used must ensure that voting rights cannot be exercised more than once. The storage of the votes sent must be anonymized and in such a way that the order in which the votes were received cannot be traced. Eligible voters must have the opportunity to correct their input or cancel their vote until the final vote is cast. A voter shall have to give an electronic confirmation before their vote can be sent. And they must be able to see on the screen that their vote is being transmitted. With the indication about the successful voting, it is considered to be completed.
- (4) When votes are entered, the electronic voting system used must not result in the voter's vote being stored in the computer used by them for this purpose. It must be ensured that unnoticed changes to their vote by third parties can be ruled out. On the screen, the ballot must be hidden immediately after the vote input is sent. The electronic voting system used must not allow a paper printout of the cast vote to be printed after the final vote is cast. The storage of votes in the electronic ballot box must be based on an untraceable random principle. The selection and casting of the vote as well as personal information of the eligible voters may not be recorded.

25c

Start and End of the Electronic Election

- (1) The beginning and termination of the electronic election shall be determined by a resolution of the Executive Board.

25d

Malfunctions in the Electronic Election

- (1) If electronic voting is not possible for eligible voters during the election period for technical reasons for which the GVWM is responsible, the election officer may extend the election period in consultation with the election committee. The extension must be publicly announced.

- (2) If, during the electronic election, malfunctions become known that can be remedied without risk of premature disclosure or deletion of the votes already cast and possible vote manipulation is ruled out, the Executive Board may remedy such malfunctions or have them remedied and continue the election; otherwise, the election shall be stopped without counting the votes. If the election is continued, the disruption and its duration shall be recorded in the minutes of the election. In the event that the election is canceled, the Executive Board shall decide on the further procedure.

#25e

Absentee Ballot for Electronic Elections

- (1) If the election is conducted as an electronic election, voting is also possible in the form of voting by mail.
- (2) The absentee ballot must be applied for in writing by the eligible voter to the GVWM Executive Board by means of an informal absentee ballot application. The application must be received by the Executive Board at least 7 days before the start of the election.
- (3) The Executive Board shall send or hand out the election documents to the eligible voters without delay and note this in the electoral roll. Upon mailing or delivery of absentee ballots, eligible voters are excluded from voting electronically.

#25f

Technical Requirements

- (1) Electronic elections may only be conducted if the electronic voting system used complies with current technical standards. The system must have the technical specifications listed in the following paragraphs. The system shall comply with the security requirements for online voting products of the German Federal Office for Information Security.
- (2) In order to maintain the secrecy of the ballot, the electronic ballot box and the electronic electoral register must be maintained on different systems. The election directory may only be stored on University-owned servers.
- (3) The election servers must be protected against attacks from the internet; in particular, only authorized accesses may be permitted. Authorized accesses are, in particular, the verification of voting eligibility, the storage of the votes of approved voters, the registration of votes and the checking for eligible voters voting more than once (election data). Suitable technical measures must be taken to ensure that no votes can be irretrievably lost in the event of the failure or malfunction of a server or a server area.
- (4) The transmission procedure of the election data shall be designed in such a way that it is protected against attempts to spy on it or decrypt it. The transmission paths for verifying the voter's eligibility to vote and for registering the vote in the electoral roll and the vote in the electronic ballot box must be separated in such a way that at no time is it possible to assign the content of the voting decision to the voter.
- (5) The data transmission must be encrypted to prevent unnoticed changes to the election data. During the transmission and processing of voting data, it must be ensured that no access to the content of the vote is possible during the registration of the vote in the electoral roll.

Section 4: Final Provisions

§ 26
Amendment of the Bylaws

Section 1, 2, and 4 of these Bylaws can only be changed by the General Representation (GV) with a 2/3 majority of the members according to § 5, unless the Basic Regulations of RWTH prohibit this. Section 3 may be amended by a majority of the votes cast.

§ 27
Entry Into Force

These Bylaws were adopted on April 18, 2018 by the General Representation (GV) for the Academic Staff. In accordance with § 9 of the Basic Regulations of RWTH Aachen University, it was submitted to the Senate for their information at the meeting on June 7, 2018. These regulations shall be published in the Official Announcements of RWTH Aachen University and shall enter into force on the day after publication.

Rector
of RWTH
Aachen University

Aachen,
dated

June 12, 2018

sgd. Schmachtenberg

Univ.-Prof. Dr.-Ing. E. Schmachtenberg