

Annex 1

Rules of Procedure of the Senate and its Committees

§ 1.

- (1) The chair of the Senate can convene a meeting at any time.
- (2) If the chair is incapacitated or unavailable, the chair is represented by one of the deputies, and if the deputy is incapacitated or unavailable, by the oldest full professor present.
- (3) A meeting of the Senate must be convened by the chair within two weeks if at least three members request so, enclosing a written proposal for the agenda. If this request is made in July or August, the meeting must be convened and held by September 15.

The members of the Senate must be invited to attend the meeting in writing (by postal mail, by telefax, or electronically) no later than one week or, if the meeting was already announced in the last Senate meeting, two days before the meeting.

§ 2.

- (1) The chair shall prepare the agenda. The chair shall inform the members of the agenda at least two days before the meeting.
- (2) Items of which the Senate chair has not informed the Senate members at least two days before the meeting may be dealt with if the Senate decides so.
- (3) Every member of the Senate can request that items named by that member be put on the agenda. The chair or the person authorized to receive such information is to be informed of this item, including an explanation, at least one week before the meeting.

§ 3.

- (1) The meetings shall be presided over by the chair.
- (2) The chair shall determine the order of priority of the statements and items to be discussed on the basis of the agenda.
- (3) The chair shall open and close the meetings and can interrupt a meeting and postpone a meeting or a certain item on the agenda. The chair is responsible for maintaining order and security during a meeting. The chair shall give the floor to individual members and supervise discussions and votes. The chair shall prevent digressions from a topic by reminding the speaker to stick to the point and, if necessary, calling the speaker to order. If such reminders are disregarded, the chair can forbid the speaker to speak.
- (4) The chair can ask informants and experts to attend the deliberations of the Senate.

§ 4.

- (1) The chair shall open the discussion on each item of the agenda, and, as a rule, also after individual reports.
- (2) An application for ending the discussion is to be voted on without any further discussion. If such a resolution is passed, only requests for leave to speak made before this application was filed are to be taken into account. Upon request, the chair has the right to make a closing comment, otherwise the rapporteur or the applicant has that right.
- (3) The Senate can pass a resolution with immediate effect stating that every speaker's speaking time regarding an item on the agenda must not exceed ten minutes. If a speaker requests leave to speak several times, the speaker's speaking time is to be added up.

§ 5.

- (1) The members of the Senate are obligated to attend Senate meetings, and this obligation takes priority over any other university-related obligations.
- (2) If members of the Senate are unable to attend a meeting because they are unavoidably prevented, they shall notify the chair in writing, stating reasons.
- (3) If they are incapacitated or unavailable, members of the Senate can delegate their vote to another member of the Senate. The vote must be delegated in writing, or the delegation must be recorded in the minutes during a meeting. Every person entitled to vote at a meeting must not have more than two votes in total.
- (4) Members of the Senate can be represented by their substitute members for important reasons even if they are not permanently incapacitated or unavailable. The relevant Senate member shall judge whether or not an important reason exists, unless the Senate passes a unanimous resolution

stating that no important reason exists. Notification of representation by a substitute member must be submitted in writing, or must be recorded in the minutes during a meeting.

(5) Senate meetings can be held in the form of video conferences. It is possible to make resolutions in such video conference meetings. When calling a meeting in video conference format, information must be provided that the meeting is planned to be held in video conference format and that resolutions will also be made in this format. The meeting can be held in this format if no member objects to the video conference format by email until 24 hours before the planned start of the meeting. It is the responsibility of the chair to ensure that the identities of all members participating in the video conference are confirmed, that the members are able to make contributions and vote via video and audio transmission, and that the fulfillment of the requirements for a valid vote can be reliably determined. The chair must call upon all Senate members participating in the video conference to form their opinions and decisions free from any outside interference. The participants are obligated to take appropriate steps to ensure compliance with the applicable legal requirements, e.g. confidentiality of the meeting and data protection regulations. All participants in the video conference are counted as in attendance.

§ 6.

(1) Unless otherwise provided by law or in the By-Laws, a resolution requires that at least half of the members entitled to vote are present, and the simple majority of the votes cast. Abstentions, invalid votes, or refusals to cast a vote are to be counted as dissenting votes in all votes.

(2) Every member of the Senate is obligated to participate in a vote even if the member was part of the minority in a vote on a preliminary question.

(3) The chair is entitled to vote and shall cast their vote last.

(4) In the Appeal Review Committee on Study-Related Matters, the chair has a casting vote in the event of a tie.

§ 7.

(1) The chair shall determine the order of priority in which votes are held on applications filed in connection with an item on the agenda. An application for postponement must always be voted on first.

(2) Unless otherwise provided, voting shall be by show of hand (open vote).

(3) If no requests for leave to speak are made in connection with an item on the agenda on which an open vote would have to be held, or only agreeing opinions are given, the chair can declare the application (report) to be accepted without any further vote.

(4) If the Senate decides to hold a roll-call vote, the members of the Senate shall vote in alphabetical order.

(5) A secret ballot is to be held if the Senate decides so, or if this is requested by three members of the Senate. The chair can request a secret ballot at all times.

(6) The members of the University Board are appointed by the Senate in a secret ballot. A candidate who receives more than half of the votes cast is deemed elected. If no candidate receives an absolute majority of votes, a run-off vote between the two candidates who received the most votes in the first ballot is to be held. If more than two candidates received the two highest numbers of votes, all of these candidates participate in the run-off vote. The candidate who receives the higher number of votes in the run-off vote is deemed elected. In the case of a tie, the chair can order a new run-off vote between the two candidates who received the highest number of votes to be held, or a decision to be made by lot.

(7) Paragraph (6) applies accordingly to other elections, appointments, and delegations to be held and made by the Senate, and provided that the Senate can refrain, by a unanimous resolution, from holding a secret ballot.

§ 8.

(1) A member of the Senate shall not vote on a matter concerning that member, pursuant to § 7 of the General Administrative Procedure Act (AVG, *Allgemeines Verwaltungsverfahrensgesetz*).

(2) A conflict of interest must be identified and reported to the chair by the corresponding Senate member themselves. If a Senate member alerts the chair to a potential conflict of interest concerning another member, the Senate shall, upon application, pass a decision to determine whether a conflict of interest exists. If an absolute conflict of interest exists within the meaning of § 7 of the AVG, the Senate has no leeway in its decision. During the vote held to determine whether a conflict of interest exists, the member concerned must leave the meeting.

(3) If a conflict of interest exists, the member concerned shall be excluded from the deliberation or the vote on the agenda item in question.

§ 9.

(1) Minutes shall be taken of every meeting of the Senate, and the chair shall determine the person taking the minutes.

(2) The minutes shall record the resolutions and contain: The time when the meeting began, the members present, the excuses received by the beginning of the meeting, the order of priority of the items on the agenda, the applications filed and resolutions passed in that regard, and the majorities by which a resolution was passed and, in the case of a roll-call vote, how the individual members voted.

(3) The minutes shall be signed by the chair and the person taking them. The minutes shall be sent to the members of the Senate. If no objection is raised within two weeks of sending the minutes, the minutes are deemed approved. If an objection is raised, a resolution is to be passed on the minutes in the next meeting of the Senate.

(4) Editorial changes to resolutions passed by the Senate or its committees that do not go beyond purely linguistic corrections (such as typographical errors, commas, etc.) may be made by the chair of the Senate or the respective committee chair without further resolution by the Senate or its committees.

§ 10.

(1) The chair can order a vote (consultation) to be held by circulation on matters and items that do not require deliberation or in respect of which it seems necessary to pass a resolution before the next meeting of the Senate because of their urgency.

(2) The document submitted for the vote by circulation must contain an application, including reasons, worded in a manner that allows the members to vote "yes" or "no."

(3) In the case of a consultation, the document submitted for a consultation by circulation must briefly describe the envisaged measure that forms the subject matter of the consultation, refer to the possibility to inspect any documents, and contain a request to raise objections, if any.

(4) A vote (consultation) by circulation shall not be held if one member of the Senate requests a deliberation to be held.

(5) The Senate shall be notified of the result of the vote by circulation in the next meeting.

§ 11.

The chair can pass resolutions for the Senate that are absolutely necessary but that the Senate cannot pass in time due to their urgency, not even pursuant to § 10, unless the matter is of far-reaching importance. In such cases, the chair shall report on that resolution in the next meeting of the Senate.

§ 12.

(1) The longest-serving member of the Senate from among the full professors shall be responsible for convening the first meeting of the Senate at the beginning of a new term of office.

(2) The Senate member referred to in (1) shall chair the meetings until the election of the chair of the Senate, and has the chair's rights and obligations. The members of the Senate who are full professors, in the order of seniority, serve as deputies.

§ 13.

(1) The provisions of these Rules of Procedure, with the exception of § 6 (4), apply accordingly to the committees provided for by the By-Laws and the assemblies that delegate members to these committees.

(2) The chair of a committee shall also convene a meeting of the committee they chair if requested by the Senate or the chair of the Senate.

(3) The chair of the Senate shall report to the Senate, at the Senate's request, on the matters dealt with and the resolutions passed by the committees. For that purpose, the chairs of the relevant committees shall send to the chair of the Senate, and at the same time to the committee members, the invitations, agendas, and their annexes as well as the minutes of the meetings of the committees without being requested to do so. The chair of the Senate is entitled to attend the meetings of a committee in an advisory function and can, in particular, file applications regarding the agenda.