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PRIVATE UNIVERSITIES ACT
(PUG)

March 2012

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QUOTATION

Federal Act on Private Universities (Private Universities Act – PUG)

Promulgation: Federal Legal Gazette¹ I No. 74/2011
Entry into Force: March 1, 2012

¹ Bundesgesetzblatt für die Republik Österreich (BGBl.).

PRIVATE UNIVERSITIES ACT – PUG²

Section 1

Scope of Regulation

§ 1. (1) The present Federal Act shall regulate the organisation of private universities.

(2) The procedure for the accreditation of private universities and of degree programmes at private universities shall be subject to the provisions of the Act on Quality Assurance in Higher Education (HS-QSG), Federal Law Gazette I No. 74/2011.

Section 2

Private Universities

Accreditation Requirements

§ 2. (1) For an application for the accreditation as a private university, for the duration of the accreditation as well as for the prolongation of the accreditation, an educational institution shall fulfil the following requirements:

1. It shall be a legal entity registered in Austria;
2. It shall submit a development plan that shall, taking into account the objectives of the educational institution, contain the main focus and planned activities in teaching and research as well as the development plan for the structure and contents, gender equality and the advancement of women, and the development of a quality management system;
3. It shall submit a draft statute according to § 4 para. 2;
4. It shall offer at least two degree programmes in one or several scientific or artistic disciplines that lead to an academic degree awarded for at least three years of full-time studies of international standard and at least one subsequent degree programme. The initial application shall be accompanied by the curricula of the degree programmes planned. The curricula shall comply with material, specialist and formal requirements according to international standards;
5. It shall appoint staff for teaching and research of international scientific or artistic standard for research and teaching in the main subjects contained in the degree programmes planned. The initial application shall, as a minimum, be accompanied by legally binding preliminary employment contracts for a sufficient number of staff members for the degree programmes planned;
6. It shall ensure that the staff, facilities and equipment needed for research and teaching are available from the beginning of the degree programmes planned. Proof thereof shall be supplied when the initial application is submitted;
7. It shall meet all requirements of the assessment areas according to § 24 of the Act on Quality Assurance in Higher Education.

(2) The private university shall observe the following guiding principles in pursuance of its objectives:

² Privatuniversitätengesetz – PUG.

1. Freedom of sciences and their teaching (Art. 17 of the Basic Law on the General Rights of Nationals, Imperial Legal Gazette No. 142/1867);
2. freedom of artistic activity, the dissemination of the arts and their teaching (Art. 17a of the Basic Law on the General Rights of Nationals);
3. interaction between research and teaching;
4. diversity of scientific and artistic theories, methods and doctrines.

(3) Applications for the accreditation as a private university as well as for the accreditation of degree programmes of a private university shall be addressed to the Agency for Quality Assurance and Accreditation Austria.

(4) Legal entities registered in Austria that have been accredited according to the regulations of the Act on Quality Assurance in Higher Education shall include the designation "Privatuniversität" in the name of the educational institution. The designation may also be used in English ("private university"). Agency for Quality Assurance and Accreditation Austria.

Studies

§ 3. (1) Private universities shall be entitled to award academic degrees to graduates of the degree programmes offered, even with the same denominations as foreseen for academic degrees by the Universities Act 2002 (UG), Federal Law Gazette I No. 120/2002. The academic degrees homonymic to the academic degrees according to the Universities Act 2002 shall have the legal effects of the academic degrees according to the Universities Act 2002. If a private university awards degrees homonymic to the academic degrees according to the Universities Act, the degree programmes shall be equivalent to corresponding degree programmes at state universities with regard to the result of the overall education.

(2) If private universities offer doctoral degree programmes, they shall be entitled to award the academic honorary degree "Doctor honoris causa" ("Dr. h.c.") for exceptional academic achievements. Private universities shall further be entitled to award, as an academic honour, the designation "Ehrensенator" (Honorary University Senator) and "Ehrenbürger" (Honorary Fellow) as well as to renew academic degrees already awarded. Detailed arrangements shall be established in the statute.

(3) Degree programmes at private universities can also be conducted as joint degree programmes. These are degree programmes conducted in the form of a joint, double, or multiple degree programme on the basis of an agreement between one or several Austrian universities, providers of University of Applied Sciences degree programmes, other private universities or university colleges for education as well as recognised postsecondary educational institutions abroad, with these agreements stipulating the workload that the students enrolled shall be committed to at the participating educational institutions.

(4) Private universities shall be entitled to establish certificate university programmes for further education. These programmes may also be run jointly by several private universities as well as together with other recognised postsecondary educational institutions. The participating educational institutions shall conclude an agreement regulating the implementation, in particular the responsibilities (admission, awarding of certificates, recognition of exams, etc.). The curriculum to be enacted identically by the participating educational institutions shall indicate the division of subjects or courses among the educational institutions. Responsibilities under federal law shall remain unaffected by this provision. The certificate university programmes for

further education may be conducted in cooperation with non-educational legal entities for the purpose of financial and organisational support.

(5) The contractual relationships between students and the private university shall be governed by private law.

(6) Students at a private university shall receive treatment equal to that of students at Austrian state universities with regard to the provisions of the Settlement and Residence Act, Federal Law Gazette I No. 100/2005, and the Employment of Foreigners Act, Federal Law Gazette No. 218/1975, and the decrees issued on the basis of these Acts.

(7) The Student Support Act 1992, Federal Law Gazette No. 305/1992, and the decrees issued on the basis thereof, the Student Hostels Act, Federal Law Gazette No. 291/1986, the Family Allowances Act, 1967, Federal Law Gazette No. 376/1967, in respect of entitlement of family allowances, the provisions of social insurance regulations with regard to co-insurance of children, and the provisions of relevant tax regulations shall apply to students at private universities.

Organisation and Staff

§ 4. (1) Every private university shall enact the rules of procedure necessary for the fulfilment of its tasks in the form of a statute. The statute shall respect the principles of higher education autonomy and shall meet international standards for universities. The statute shall be published.

(2) The statute shall, in particular, contain arrangements governing:

1. Guiding principles and tasks of the private university;
2. bodies of the private university;
3. gender equality and the advancement of women;
4. student co-determination in academic matters;
5. regulations governing the degree programmes, in particular admission and examination regulations as well as the heads of studies;
6. guidelines for academic honours;
7. procedures for the appointment of professors and the awarding of habilitation degrees.

(3) The private university and its employees shall be entitled to use designations and titles associated with higher education, in all cases with the addendum "of the private university ...". The use of designations and titles according to the Universities Act shall only be permissible, if the requirements and procedures that are the foundation for these provisions are complied with by analogy.

(4) The teaching staff of the private university shall receive treatment equal to that of teachers at Austrian state universities with regard to the provisions of the Settlement and Residence Act and the Foreigners' Employment Act and the decrees issued on the basis of these Acts.

(5) The private universities shall give regard to gender equality and the advancement of women. They shall strive for a balanced representation of women and men when appointing members for bodies and committees. Private universities in the form of legal entities governed by private law shall observe the Federal Equal Treatment Act (GIBG), Federal Law Gazette I No. 66/2004.

Prohibition of Federal Funding

§ 5. (1) No financial support may be extended by the Federal Government to a private university, with exception of payments in counter-performance of contracts for the rendering of particular teaching and research services by a private university, which the Federal Government may, in case of need, conclude with a private university for the purpose of supplementing the range of studies offered by state universities as well as financial support from the Federal Government as part of publicly advertised programmes for research, technology, development and innovation.

(2) With regard to the taxation of donations received, private universities shall be treated as universities in the meaning of § 4a subpara. 1 lit. a of the Income Tax Act 1988, Federal Law Gazette No. 400/1988.

Reporting

§ 6. (1) Every private university shall submit a report on the developments during the preceding reporting period to the Agency for Quality Assurance and Accreditation Austria by the end of May of each year. This report shall include the following:

1. Information on the developments in the assessment areas according to the provisions of the Act on Quality Assurance in Higher Education;
2. Statistical data on changes in the number of students, graduates, and staff of the private university;
3. Information on changes vis-à-vis the previous report or vis-à-vis the last accreditation application.

(2) The Agency for Quality Assurance and Accreditation Austria shall be entitled to set requirements regarding the structure of the report by decree. The reports shall be published by the private universities, excluding funding sources as well as operational and business secrets.

(3) Private universities shall participate in the collection of statistical information to be able to provide information on their studies according to the applicable legal provisions and shall make this information available to the Agency for Quality Assurance and Accreditation Austria.

Section 3

Entry into Force, Expiry, Transitional Provisions and Enactment

§ 7. References to other Federal Acts contained in this Act shall be deemed to be references to the current versions.

§ 8. (1) § 8 paras. 3 and 4 of this Act shall enter into force upon expiry of the day on which they become accessible in the Federal Legal Information System. All other provisions of this Federal Law shall enter into force on 1 March 2012.

(2) The Federal Act on the Accreditation of Educational Institutions as Private Universities (University Accreditation Act – UniAkkG), Federal Law Gazette I No. 168/1999, as amended by Federal Law Gazette I No. 2/2008, shall expire after 29 February 2012.

(3) The members of the Accreditation Council under § 4 para. 7 of the University Accreditation Act acting as chairperson and vice-chairperson on 30 September 2011 shall remain in office until 31 August 2012.

(4) Members of the Accreditation Council who are in office on 30 September 2011 shall remain in office until 31 August 2012. The term of office of the members of the Accreditation Council under § 4 para. 5 of the University Accreditation Act shall end on 31 August 2012.

(5) Procedures under the University Accreditation Act that are pending at the time of the entry into force of this Act shall be concluded according to the provisions of the University Accreditation Act by 31 August 2012. If this procedure is not concluded by 31 August 2012, the competence shall be transferred to the Agency for Quality Assurance and Accreditation Austria.

(6) The entitlements granted under the University Accreditation Act at the time of the entry into force of this Act shall remain unaffected by the provisions of this Act for the duration of the entitlement. For those private universities whose accreditation period ends in the year 2012, the accreditation period shall be prolonged until 31 December 2014.

(7) The degree programmes recognised under the University Accreditation Act at the time of the entry into force of this Act may be continued in the accredited form for the duration of the accreditation.

(8) The following authorities are entrusted with the enactment of this Act:

1. in respect of the application of the Settlement and Residence Act in §§ 3 para. 6 and 4 para. 4, the Federal Minister of the Interior;
2. in respect of the application of the Foreigners' Employment Act in §§ 3 para. 6 and 4 para. 4, the application of the provisions of social insurance regulations with regard to co-insurance of children in § 3 para. 7, and the application of the Family Allowances Act 1967 in § 3 para. 7, the Federal Minister of Economy, Family and Youth;
3. in respect of the application of the tax regulations regarding child allowances and donations to private universities in § 3 para. 7, the Federal Minister of Finance;
4. in respect of all other provisions, the Federal Minister for Science and Research.