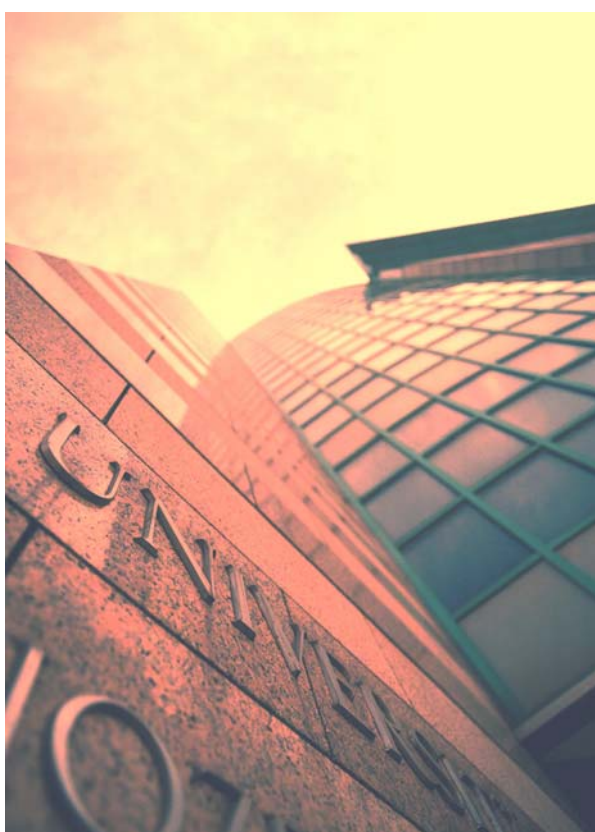


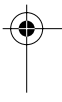
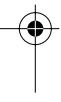
Higher Education in Austria



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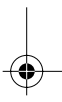
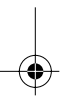
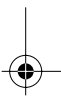
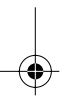
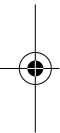
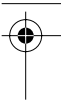
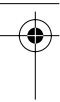


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1 Historical Review of the Post-Secondary Sector

1.1 Development of Scientific Universities until 1966

In 1365, Duke Rudolf IV of Austria founded the *University of Vienna* (*Universität Wien*), which is the oldest university today in the German-speaking world. The University of Vienna succeeded in achieving relatively far-reaching autonomy vis-à-vis the country's rulers and the church and experienced a genuinely golden age. After a period of serious decay caused by the plague, the Turkish wars, as well as the Reformation and Counter-Reformation, this very Counter-Reformation movement led to a gradual transfer of the University of Vienna to the Jesuits, following some administrative reforms as of 1554.

In the wake of the Counter-Reformation, the *University of Graz* (*Universität Graz*) was also founded; it emerged in 1585 from an already existing Jesuits' college and was the type of university intended purely for the religious order of the Jesuits. The *University of Innsbruck* (*Universität Innsbruck*) was founded in 1669 in order to close the gap existing within the territory of the Habsburgs between Inner Austria (*Innerösterreich*), with the universities of Vienna and Graz, and Outer Austria (*Vorderösterreich*), with the university at Freiburg im Breisgau. Here, too, the organization and the teaching were assigned to the Jesuits. The *University of Salzburg* (*Universität Salzburg*), on the other hand, founded in 1622, was not primarily a consequence of the Counter-Reformation but was rather linked to the efforts of the Benedictine order, dominating the Prince Archbishopric of Salzburg, to gain an increased influence within the church.

In the 17th and 18th century there were thus four universities on the territory of present-day Austria, universities which had no autonomy with regard to their organization or curriculum but were under church influence and thus excluded from the development of modern science. As a growing number of students came from the aristocracy, academic life became increasingly "militarized".

The entire school system was re-designed under Maria Theresa and Joseph II. The universities were re-organized and transformed into state institutions. In the course of the study reforms undertaken by Joseph II, the universities in Graz and Innsbruck were discontinued in 1782 and converted into lyceums or academies where priests, civil servants, country physicians and midwives were trained. Although these reforms were largely revoked after the death of Joseph II, one thing that did remain, however, was the fact that universities had become public institutes under state control.

Further decisions of importance for the development of the Austrian university landscape were taken in the first half of the 19th century. Whereas the University of Salzburg was closed under Bavarian rule in 1810, the lyceums in Innsbruck (1826) and Graz (1827) were re-established as universities. In addition, the precursors of the today's universities of technology came into being in Vienna and Graz. In 1840 the “*Steiermärkisch-Ständische Montanlehranstalt*” (today: *University of Mining / Montanuniversität Leoben*) was founded at Vordernberg upon the dynamic initiative of Archduke Johann. The Revolution of 1848 led to a dramatic re-design of the universities which obtained a certain amount of self-administration under the new constitution. As a result, the state came to guarantee the freedom of teaching and learning, and new structures were designed for the teaching qualifications, the appointment of professors and the administration. Medieval relics such as “nations” (*Nationen*) or “doctoral boards” (*Doktorkollegien*) were dissolved, the philosophical studies were united and put into separate faculties and the duration of studies was extended to four years. Access to the universities was newly organized by introducing a secondary school education ending with the school-leaving examination (*Matura* = maturity for university studies). A tremendous expansion program for the universities in terms of technical, human and material resources accompanied this organizational and study reform.

The specialized universities were also established and extended during the second half of the 19th century: As of 1872 the “*Joanneum Graz*”, founded by Archduke Johann, and the “*Polytechnisches Institut*” in Vienna, founded in 1815, which later came to be the *Universities of Technology in Graz and Vienna*, were operated as universities, and the “*Hochschule für Bodenkultur*” (today: *University of Natural Resources and Applied Life Sciences*) was set up in Vienna. In 1896, the “*Veterinärschule*” (today: *Vienna University of Veterinary Medicine*), which was under the control of the military administration, was granted university status. In 1898, an “*Exportakademie*” was opened, as a precursor to Vienna's *University of Economics and Business Administration* (*Wirtschaftsuniversität Wien*) of today. The two universities of technology were granted the right to confer doctoral degrees in 1901, the “*Montanlehranstalt*” at Leoben followed in 1904, and the “*Veterinärmedizinische Hochschule*” in 1908. This system of higher education, which was created in the 19th century, remained more or less unchanged – at least in its outer appearance – until the beginning of our present century.

After the collapse of the monarchy, the Republic continued to operate the Austrian universities and institutions of higher education (*Hochschulen*) as state

institutions. For Austria's First Republic, the strong involvement of the universities in the political conflicts of that time was a characteristic feature. Since the conflict among nations had caused divisions already at the end of the 19th century, a large number of university graduates, but also the universities were unable to develop a constructive relationship vis-à-vis the Republic and democracy. In the period between the two World Wars, anti-Austrian German nationalism and anti-Semitism found broad support. With the “*Anschluss*” (annexation) to the German Reich, the German university laws were introduced. Political opponents, as well as Jewish scientists and students were excluded from the universities, became victims of National-Socialist destruction campaigns and of World War II or were forced to emigrate – among them many of the best-known and best-qualified Austrian scientists.

After World War II, the Austrian university laws were re-instituted and teaching resumed shortly afterwards. However, the universities suffered major damage from the turmoil since 1938. They had lost much of their prestige, were scarred with the stigma of succumbing to political seduction and yielding to power from above, and they had only a few, politically unbiased university teachers and few qualified scientists.

Until 1955, a great number of confusing university laws from the 19th century applied to the universities. When the University Organization Act was adopted in 1955, one single law applicable to all scientific universities and higher-education institutions was enacted for the first time without, however, any major substantive innovations regarding their organizational structure, so that the university organization of the 19th century remained in place, partly unchanged, until the re-organization of the universities in the seventies.

In the sixties, new universities were founded. In 1962, the newly founded University of Salzburg (*Universität Salzburg*) began its study program. In 1966, the “*Hochschule für Sozial- und Wirtschaftswissenschaften Linz*” (today: *University of Linz / Universität Linz*) began operating. In 1970, the “*Hochschule für Bildungswissenschaften*” was founded in Klagenfurt, which was re-structured in 1993 and renamed into *University of Klagenfurt (Universität Klagenfurt)*.

1.2 The Evolution of the Post-Secondary Arts Colleges until 1966

From a historical perspective, training in the arts came to be organized along school principles only at a relatively late point in time. Until the beginning of this century, many elements of an individually designed, non-school-type of

learning with recognized “masters” were maintained at the art colleges, where individual tutoring prevailed and where “master classes” were organized.

The oldest of today's art universities is the *Academy of Fine Arts in Vienna (Akademie der bildenden Künste Wien)*. In 1696 Emperor Leopold I founded an “Academy for Painting, Sculpture, Architecture, Perspective and Fortifications” (*Academia für Malerei, Bildhauerei, Architektur, Perspektive und Fortifikation*). In 1766 a “Royal-Imperial Academy for Copperplate Engravers” (*Kaiserlich-königliche Kupferstecher-Akademie*) was founded; the following year an “Engravers' Academy” (*Graveurakademie*). Empress Mary Theresa merged these three academies in 1772 into what became the “Royal-Imperial United Academy of Fine Arts” (*Kaiserlich-königlich vereinigte Akademie der bildenden Künste*). After several re-organizations the Academy of Fine Arts was raised to the level of a higher institute of education in 1872 when it received a new statute. The main features of this university statute became part of the law of 1955 on the organization of academies, which was replaced by the law of 1988 on the organization of academies.

The forerunners of today's universities of music were founded during the first half of the 19th century. The “Society of Friends of Music of the Austrian Imperial State” (*Gesellschaft der Musikfreunde des österreichischen Kaiserstaates*) opened a singing school in Vienna in 1817, headed by Antonio Salieri, which was expanded soon thereafter to include classes in instrumental music. This was the precursor of today's *University of Music and Performing Arts Vienna (Universität für Musik und darstellende Kunst Wien)*. Today's *University of Music and Dramatic Arts Graz (Universität für Musik und darstellende Kunst Graz)* goes back to a singing school of the Styrian Music Association (*Steiermärkischer Musikverein*) set up at the same time (1816). In Salzburg, too, the foundation of the Cathedral Music Association (*Dommusikverein*) in 1841 was at the origin of today's *University of Music and Dramatic Arts Mozarteum Salzburg (Universität Mozarteum Salzburg)*. The Vienna Conservatory (*Wiener Konservatorium*) was taken over by the state in 1909 and given the name of “Royal-Imperial Academy for Music and the Performing Arts” (*Kaiserlich-Königliche Akademie für Musik und darstellende Kunst*). The “Mozarteum”, run by the “International Foundation Mozarteum” (*Internationale Stiftung Mozarteum*) since 1881, obtained its public license in 1914, was transformed into a conservatory and taken over by the state's administration in 1922.

The foundation of today's *University of Applied Arts Vienna (Universität für angewandte Kunst Wien)* must be seen in connection with the economically-

oriented school reforms during the second half of the 19th century. In 1867 the “School of Applied Arts of the Royal-Imperial Austrian Museum for the Arts and Industry” (*Kunstgewerbeschule des Kaiserlich-königlichen österreichischen Museums für Kunst und Industrie*) was established, with the goal of training specialists for industry with artistic skills. In the course of time, areas such as metal-working or wood sculpturing became part of the training program. The School of Applied Arts came under state administration in 1909.

Between 1938 and 1945 all of today's art universities came under German administration. In the Second Republic, they were transformed into academies: “Academy for Music and the Performing Arts in Vienna” (*Akademie für Musik und darstellende Kunst in Wien*) and “Academy for Music and Dramatic Arts 'Mozarteum' in Salzburg” (*Akademie für Musik und darstellende Kunst "Mozarteum" in Salzburg*). The “Graz Conservatory” (*Grazer Konservatorium*) was integrated into federal administration in 1963 as “Academy for Music and Dramatic Arts in Graz” (*Akademie für Musik und darstellende Kunst in Graz*). With the law of 1970 on the organization of the art universities, these academies ultimately became institutes of higher education. In 1973 the “Art School of the City of Linz” (*Kunstschule der Stadt Linz*), founded as a private school in 1947, was taken over by the federal authorities as the “University for Artistic and Industrial Design in Linz” (*Hochschule für künstlerische und industrielle Gestaltung in Linz*), which is today's *University of Art and Industrial Design Linz* (*Universität für künstlerische und industrielle Gestaltung Linz*).

1.3 Developments at Universities up to the Present Day

In the sixties, the call for more legal certainty and legal transparency in all state actions did not stop at the gates of universities. In this connection, the developments at the science universities and at the higher-education institutions for the arts (later to become universities for the arts) basically took a parallel course, with the latter, though, always following with some delay. This hailed the phase of gradual integration of the two types until one single category of university came into existence.

The law regulating university studies came first: The *General Act on Studies at Higher-Education Institutions* of 1966 (*Allgemeines Hochschul-Studiengesetz*) and the specific statutory regulations for university studies came first in a process of putting all matters connected to studying at universities on a new legal basis, as well as to modernize them. Similarly, the *Act on Studies at Higher-*

Education Institutions for the Arts (Kunsthochschul-Studiengesetz) created – for the first time – a legal basis for art studies, with the necessary special regulations required by the subject matter, though. The *University Studies Act (Universitäts-Studiengesetz)* of 1977 led to further basic changes, such as e.g. a decentralization of the competencies. The arts studies were also integrated into its system in 1998, which eliminated the parallel application of basic statutory regulations on university studies. When the University Studies Act was amended in 1999, the three-tier study system (bachelor's degree – master's degree – doctor's degree) was introduced as an optional possibility for the universities.

A new *University Organization Act (Universitäts-Organisationsgesetz)* came into force in 1975. Its most important novel features were to include all types of university teachers, the students and the administrative staff in the university decision-making processes of the collegial boards, as well as a new organization of the university departments. The *1993 University Organization Act (Universitäts-Organisationsgesetz von 1993)* gave the universities increasingly more scope for decisions and configurations, which was the first step towards full autonomy.

The *Art Universities Organization Act (Kunstuniversitäten-Organisationsgesetz)* of 1998 transformed the higher-education institutions for the arts into art universities. This also entailed major changes in their structural organization. A structure for the university departments, applicable throughout Austria, was introduced, which reduced the number of organizational units in charge of teaching, developing and communicating the arts, as well as responsible for research from 422 to 68. This also gave impulses to a stronger link between the arts and the sciences.

The *2002 Universities Act (Universitätsgesetz 2002)* ultimately created a common legal basis for the universities for the sciences and for the arts, which eliminated the distinction between these two types, except for a few special provisions. The 2002 Universities Act, which became fully effective on 1 January 2004 and marks a new era in the development of one common university sector, has given the universities complete autonomy, on account of the new control instruments such as global budgets and performance agreements, etc. The universities were transformed to become legal entities under public law (previously federal establishments) and divested from the federal administrative system. The 2002 Universities Act further develops the efforts at decentralization of the nineties and expands them by, inter alia, introducing the so-called

“full legal capacity” and substituting the budget law of the federal authorities by elements from commercial law. As a result, the legal basis was prepared for creating “university enterprises” in the future, which will be in a position to access new funding sources in addition to the money received from the federal government. Moreover, the 2002 Universities Act established three autonomous *Medical Universities (Medizinische Universitäten)* in Vienna, Graz and Innsbruck which came into being because the former medical faculties were extracted from their former parent universities.

University students must pay a tuition fee since the academic year 2001/02.

The University Center for Further Education (Danube University Krems) (*Universitätszentrum für Weiterbildung / Donau-Universität Krems*) is a university facility of a special kind, having its own legal basis (Danube University Krems Act), adopted in 1994. It is a corporation under public law with far-reaching self-administration and serves the goal of post-graduate training and further training. The Danube University Krems Act of 2004 largely takes over the structure of the 2002 Universities Act for the *University for Further Education Krems (Universität für Weiterbildung Krems)*.

1.4 Development of the *Fachhochschule* Sector

The *Fachhochschule Studies Act (Fachhochschule-Studiengesetz)* of 1993 introduced the *Fachhochschule* sector in Austria. This was the result of an international development in the direction of a more job-oriented, non-university sector of higher-education institutions which, however, meets the requirements of EU law regarding institutes of higher education. The first *Fachhochschule* degree programs went into operation in 1994, and every year new degree programs are being added. The new feature, as compared to universities, is that there is no basis regarding organizational law for a university of applied sciences, but that degree programs are accredited, which any provider organization (mainly private-law entities) can offer. The term “University of Applied Sciences” (“*Fachhochschule*”) does not cause any basic change; it only refers to a specific provider as such, one which has reached a certain dimension as a provider of degree programs, and its leads to a shift in some of the competencies.

Together with the *Fachhochschule* degree programs, the *Fachhochschule* Council (*Fachhochschulrat*) was set up which acts as the authority for accrediting and evaluating degree programs.

The amendment of the *Fachhochschule* Studies Act of 2002 ultimately also introduced the new *two-tier study system* (bachelor's degree (FH) and master's degree (FH)) as a possible option for *Fachhochschule* degree programs.

Since the academic year 2001/02 students taking *Fachhochschule* degree programs may be required to pay a *tuition fee*. The decision lies with the *competent responsible body* of the individual degree programs.

1.5 Development of the Private Universities

The *University Accreditation Act* (*Universitäts-Akkreditierungsgesetz*) of 1999 established the procedure for the recognition of private universities. The *Accreditation Council* (*Akkreditierungsrat*) is the body responsible for approvals and extensions. Seven private universities have been accredited so far. The law does not require any specific form of organization. The range of studies offered often differs in substance and system from that of state-run universities and the *Fachhochschule* degree programs; there may, however, also be parallel courses.

1.6 The Remaining Post-Secondary Sector

The term “post-secondary” carries a different meaning in different countries. A definition of the term has existed in Austria since 1997:

Recognized post-secondary educational institutions are those

- that offer studies with a minimum of 180 ECTS credit points,
- that require – as admission criterion – the general university entrance qualification, or proof of the artistic aptitude in case of art studies,
- that are recognized as educational institutions, along the lines of the present definition, by the statutory provisions of the state in which they are located.

In Austria, this sector comprises the institutions of higher education (1.1 to 1.5), as well as the post-secondary colleges (*Akademien*) for teacher training, social work, midwifery, para-medical staff, military staff, certain psycho-therapeutic training facilities, the conservatories and certain commercial colleges.

The post-secondary sector – outside the sector of institutions of higher education (1.1 to 1.5) – cannot be examined in detail in the present context. The main point is that the 2002 Universities Act (*Universitätsgesetz 2002*), just as the University Studies Act (*Universitäts-Studiengesetz*) before it, guarantees a

basic *transferability* within the entire post-secondary sector – in other words that it is basically possible to change courses, while receiving credits for the previously obtained achievements.

2 Basic Principles and Legal Basis

2.1 Constitutional Principles

The *Federal Constitutional Law (Bundes-Verfassungsgesetz)*, the *State Basic Law* on the General Rights of Citizens (*Staatsgrundgesetz über die allgemeinen Rechte der Staatsbürger*) of 1867 and the *European Convention on the Protection of Human Rights and Fundamental Freedoms* (ECHR) of 1955, together with its First Protocol, are the constitutional-law provisions of relevance to the university sector. The State Basic Law and the ECHR, together with its First Protocol, define the fundamental rights of individual persons in connection with the university sector. The freedom of science and its teaching, as well as the freedom of the arts and their teaching deserve particular mention here.

Pursuant to Article 14 (1) of the Federal Constitutional Law, the *federal authorities are responsible* for adopting and implementing legislation regarding the universities and universities of applied sciences. According to the 1986 Federal Ministries Act all matters regarding the universities, the universities of applied sciences, the representation of student interests, study grants and scholarships, promotional measures for the construction of student hostels, as well as for university-level research activities come under the competence of the Federal Minister of Education, Science and Culture.

2.2 Simple-Majority Legislation Regarding Universities

The 2002 *Universities Act (Universitätsgesetz 2002)* rendered null and void all previous legislation regarding university organization, university studies and university tuition and fees, with the exception of the constitutional provisions (latest effective date: 31 December 2003).

The separate legal basis for the University of Further Education Krems – the *Danube University Act of 2004* – follows the 2002 Universities Act in its substance, with the restriction that the range of studies exclusively comprises university-level courses.

The service regulations applicable to university teachers – to the extent that they still have civil-servant status – are governed, in particular, by the 1979 Civil-Servants' Service Regulations Act (*Beamten-Dienstrechtsgesetz*), the Contractual Employees' Act (*Vertragsbedienstetengesetz*), the federal law on the remuneration of scientific and artistic activities at universities and art universities of 1974 and the 1956 Salaries Act (*Gehaltsgesetz*). The amendment of the service regulations for universities, adopted in 2001, Federal Law Gazette I No. 87/2001, abolished the public-law service relationship for newly recruited university teachers. New service relations are contracted pursuant to the Contractual Employees Act. When the 2002 Universities Act entered into force, the contractual employees became employees pursuant to the *Employees Act (Angestelltengesetz)*.

The *Union of Students Act (Hochschülerschaftsgesetz)* of 1998 governs the organization and tasks of the Austrian Union of Students and of the unions of students at the different universities, as well as the representation of students at *Fachhochschule* degree programs, private universities and post-secondary colleges.

The *Fachhochschule Studies Act (Fachhochschul-Studiengesetz)* of 1993 is the basis for operating the universities of applied sciences and/or the *Fachhochschule* degree programs; the *University Accreditation Act (Universitäts-Akkreditierungsgesetz)* of 1999 governs private universities.

The schools of theology - run by the churches and not by the state - hold a special position, in that the *Concordat* of 1933 between the Holy See and the Republic of Austria established a close link to the state-run universities regarding legal provisions for studies.

2.3 State Administration of the Universities

The highest state organ for the university sector is the *Federal Minister of Education, Science and Culture (Bundesminister/in für Bildung, Wissenschaft und Kultur)*. The federal provinces have no direct competencies for university matters.

For the universities, a new *control system* comprising three-year performance agreements and global budgets between the universities and the federal authorities supplements the control system. The activities of the Federal Ministry regarding administration are essentially limited to legal supervision, negotiating the performance agreements and a three-year global budget, receiving the performance reports, as well as controlling and monitoring.

The Federal Minister has set up *university councils* (*Universitätsräte*) as self-administration bodies, bound by no instructions, as additional implementing bodies. Their main function is planning and supervision. A *Science Council* (*Wissenschaftsrat*) has been set up to advise the legislator, the Federal Minister of Education, Science and Culture and the universities. It has to assume functions of providing political advice.

The central state organ for the *Fachhochschule* sector is the *Fachhochschule Council* (*Fachhochschulrat*), which in turn comes under the supervision of the Federal Minister of Education, Science and Culture. The Universities of Applied Sciences and the *Fachhochschule* degree programs are administered by the *Fachhochschule* providers pursuant to the statutory overall conditions and the regulations provided by the *Fachhochschule* Council (see Chapter 4).

The *Accreditation Council* (*Akkreditierungsrat*) is the central state organ for the private universities. It works under the supervision of the Federal Minister of Education, Science and Culture. There are no special legal provisions regarding the administration of the private universities, only regulations laid down by the Accreditation Council (see Chapter 5).

3 Universities

3.1 Legislation on Organization

3.1.1 Introduction

Universities count the following among their main *tasks*:

- to develop and impart the sciences and/or the arts;
- to provide basic training for scientific and/or artistic occupations and the qualifications for professional activities which require the application of scientific and/or artistic findings;
- to train a next generation of scientists and/or artists;
- to offer further training, especially to graduates;
- to support national and international cooperation in the field of scientific research and teaching and/or the exercise of the arts and their teaching;
- to support the use and application of university research results and/or the practical accessibility of the arts.

The universities are legal entities under public law having their *own legal personality*. They act free from any instructions and regulate their specific matters autonomously in their statutes. The Federal Minister has legal supervision of their activities. There are no provisions for the Federal Minister to perform any other type of supervision, for example, to review whether their activities are appropriate and economical. The university councils of the different universities are responsible for reviewing legality and efficiency. They are, in fact, the supervisory bodies in the day-to-day routine of university activities.

3.1.2 The Various Universities

The following universities exist:

- University of Vienna (*Universität Wien*)
- University of Graz (*Universität Graz*)
- University of Innsbruck (*Universität Innsbruck*)
- Vienna University of Medicine (*Medizinische Universität Wien*)
- Graz University of Medicine (*Medizinische Universität Graz*)
- Innsbruck University of Medicine (*Medizinische Universität Innsbruck*)
- University of Salzburg (*Universität Salzburg*)
- Vienna University of Technology (*Technische Universität Wien*)
- Graz University of Technology (*Technische Universität Graz*)
- University of Mining Leoben (*Montanuniversität Leoben*)
- University of Natural Resources and Applied Life Sciences, Vienna (*Universität für Bodenkultur Wien*)
- University of Veterinary Medicine Vienna (*Veterinärmedizinische Universität Wien*)
- Vienna University of Economics and Business Administration (*Wirtschaftsuniversität Wien*)
- University of Linz (*Universität Linz*)
- University of Klagenfurt (*Universität Klagenfurt*)
- University of Applied Arts Vienna (*Universität für angewandte Kunst Wien*)
- University of Music and Performing Arts Vienna (*Universität für Musik und darstellende Kunst Wien*)
- University of Music and Dramatic Arts Mozarteum Salzburg (*Universität Mozarteum Salzburg*) - with a Branch in Innsbruck (*Expositur Innsbruck*)
- University of Music and Dramatic Arts Graz (*Universität für Musik und darstellende Kunst Graz*) – with a Branch at Oberschützen (*Expositur Oberschützen*)
- University of Art and Industrial Design Linz (*Universität für künstlerische und industrielle Gestaltung Linz*)

- Academy of Fine Arts Vienna (*Akademie der bildenden Künste Wien*)
- University for Further Education Krems (*Universität für Weiterbildung Krems*)

The statutory scope of action, applicable until now, defines the teaching and research activities and/or the artistic practice of the respective university.

3.1.3 University Bodies

Universities are now headed by a university council (*Universitätsrat*), a senate (*Senat*), a rectorate (*Rektorat*) and a rector (*Rektor/in*). Senates may set up decentralized collegial boards (*Kollegialorgane*) – with or without decision-making competences; they must set up specific collegial boards with decision-making powers. The senate must approve decisions of all collegial boards.

The *university council* (five, seven or nine members) has a strategic function and a supervisory function, as well as the task of electing or dismissing the rector and the vice-rector(s). The strategic tasks primarily relate to the approval of the development plan, the intra-university structural organization (organizational plan) and the drafting of the performance agreement with the federal authorities, as well as to arrange for external evaluations and to be involved in decisions on the range of studies and in the drawing up of curricula. The supervisory function, including supervision of the legality and efficiency, comprises the preparation of the performance report, the knowledge survey and the closing of accounts.

The *senate* (twelve to twenty-four members) is the executive body of a university; traditional co-determination is concentrated in this body. Its main tasks are the following:

- to enact and amend the statute;
- to issue the curricula for degree programs and university courses;
- to set up collegial boards with or without decision-making competences, as well as to approve their decisions;
- to advertise the function of rector and to prepare a short list of three for the election by the university council;
- to exercise various rights of co-determination in matters of the rectorate and the university council.

The *rectorate* (one rector and up to four vice-rectors) is the actual operational body of a university. All university facilities are under its control. All central executive tasks are vested in the rectorate, in particular the following:

- to prepare decisions for the university council and the senate;
- to appoint the intra-university executive staff;
- to allocate budget and human resources;
- to enter into intra-university target agreements;
- to submit reports;
- to make evaluations.

A rectorate comprises one rector and up to four vice-rectors. Its members are elected by the university council on the basis of short lists of three (for the rector) prepared by the senate and by the rector (for the vice-rectors).

The *rector* is the chairperson of a rectorate; he/she represents the university vis-à-vis the Federal Minister when entering into performance agreements, he/she appoints the university professors on the basis of proposals by an appointment committee, and he/she signs the employment contracts of the university staff members and is their highest superior.

The first-instance body responsible for the implementation of all *legal matters regulating university studies* (which does not include admission; see Chapter 3.2.2) is defined in greater detail in the statute of a university. In any event, the second and final instance in these matters is the senate.

3.1.4 University Structure

Universities are free to design their *structural organization* (e.g. faculties, departments, institutes, university libraries, service facilities, etc.).

3.1.5 University Funding and Infrastructure

The state is obliged to provide the universities with funds. The responsible Federal Minister enters into a *performance agreement (Leistungsvertrag)* with every university for a term of three years (first effective in 2007). The university provides the draft of the performance agreement, which is subject to negotiation. 20% of the budget is determined by indicators. The statutory budget regulations of the federal authorities are not applied.

The university budget of the federal authorities – just like the total federal budget – is decided by Parliament upon proposal by the federal government in the form of the annual federal budget act.

20% of the total budget for all universities is allocated in line with a formula, based on *performance indicators* and indicators for the objectives of society.

80% of the total budget is distributed among the different universities on the basis of negotiations of their performance agreements. The following criteria are applied: requirements, demand, performance and objectives of society. In the future, the three-year global budget of the individual universities will thus comprise a formula-based budget and a negotiated budget (basic budget). The universities submit their proposals for the performance agreements, which are based on the substance laid down by law. This form of funding will enter into force as of the budget for the year 2007.

In addition to state funding, the universities have *additional funding sources*. Since they have become fully fledged legal entities, they may acquire property, conduct research on a commission basis, etc., and they can use this income for meeting their tasks as universities. Moreover, a large part of the money available to the Fund for the Promotion of Scientific Research, which is fed from the federal budget, is allocated to the universities. Last but not least, the universities can use the tuition fees as their own income.

The universities are obliged to introduce a university-specific *accounting system*, which replaces the government's cameralistic style of accounting and is guided by commercial accounting principles. They must present to the Federal Minister of Education, Science and Culture an opening balance sheet, as well as – subsequently – regular financial statements, performance reports and knowledge surveys. The Federal Minister is required to report to the National Council.

The *University for Further Education Krems* is financed from federal funds and funds of the federal province of Lower Austria, as well as from course fees for the university training courses.

3.1.6 Specific Features

Some facilities of the universities of medicine also serve as public hospitals, in addition to engaging in teaching and research. The university clinics are those institutes of the universities of medicine that provide medical services directly to patients, as part of their hospital operations (e.g. internal medicine, ophthalmology, accident surgery). *Clinical institutes*, however, provide these medical services only indirectly to patients (e.g. virology, hygiene, clinical pathology). A number of coordinating mechanisms with the respective hospital providers must be observed in the clinical sector.

By the same token, the facilities of the University of Veterinary Medicine Vienna provide the same services of a *veterinary hospital*.

The *Art Gallery* and the *Collection of Copperplate Engravings* of the Academy of Fine Arts Vienna hold a special organizational position.

On account of the Concordat of 1933 between the Holy See and the Republic of Austria, and/or the federal law on the external legal relations of the Protestant church of 1961, the respective churches have certain participatory competences regarding the studies of Protestant and Catholic *theology*. Moreover, on the basis of the Concordat, there are regulations for the schools of theology for students to transfer to a university for studying and/or to be awarded an academic degree by a university.

Finally, there are also guarantees that a *university sports institute* is to be set up at every university location, which is made available for sports activities and sports competitions to the students, the graduates and the staff of the university, as well as to those of the *Fachhochschule* degree programs offered at the university location.

3.2 Legislation Regulating University Studies

3.2.1 Range of Studies

In the future, the university senates will have to decide on the development of study courses and the concrete *offer of degree programs* and further-education programs (university training courses, see Chapter 3.2.2) within the framework of the teaching research resources at their disposal. Universities may set up and/or continue bachelor's programs, master's programs and doctoral programs, but also – if required – diploma programs according to the old system. However, in the future the range of studies will be the subject of performance agreements between the respective university and the federal authorities.

The law stipulates *ten groups of studies*:

- study programs in the arts and humanities
- study programs in the engineering sciences
- art studies
- teacher training programs
- medical studies
- study programs in the natural sciences
- law studies
- studies in the social and economic sciences
- theological studies
- studies in veterinary medicine

It must be pointed out that *teacher training programs*, as well as *medical* and *dentistry studies* may only be offered in the form of diploma programs of the kind regulated by the applicable provisions of the University Studies Act (*Universitäts-Studiengesetz*).

Every study program, set up by a university, must be clearly attributable to one of the aforementioned groups, since this determines the academic degree (see Chapter 3.2.5).

Whenever necessary, a student may follow an *individual study program* – with the approval of the university, though – which will be a combination of examination subjects from different diploma, bachelor's and master's study programs.

The *academic year* at universities begins on 1 October and ends on 30 September. The senate of a university may decide on detailed regulations.

The *curricula* and the examination regulations are established by a collegial board at the different universities, set up by the senate.

The 2002 Universities Act (*Universitätsgesetz 2002*) stresses the principle of national and international *mobility* of the students.

3.2.2 University Training Courses and University-Level Courses

University training courses are the main form of further education within the university sector. The senate of the university in question decides on the range of further-education courses at the university, and it may establish *internationally customary master's degrees*, whenever the university training courses are comparable to the respective master study courses with regard to admission conditions, material content and scope. In all other cases, the title “*Akademischer ...*” or “*Akademische ...*” (*Academic ...*) together with an attribute characterizing the contents of the university training course may be awarded, provided that the university training course in question comprises a minimum of 60 ECTS credits (see Chapter 3.2.4).

The *University for Further Education Krems* (*Universität für Weiterbildung Krems*) is explicitly in charge of further education at the university level, especially in the form of university training courses.

Moreover, until the end of December 2003 it was possible for courses taught at

non-university educational institutions to be granted the designation “*University-Level Course*” (*Lehrgang universitären Charakters*) for a specified time, by decree by the Federal Minister for Education, Science and Culture, on the basis of the University Studies Act (*Universitäts-Studiengesetz*). These courses will come to an end by 2010. The provisions valid for university training courses apply similarly to the master's degrees and/or the designation “Academic ...”

3.2.3 Admission Requirements

Admission to a degree program requires the following:

- the general university entrance qualification;
- the specific university entrance qualification for the chosen study course;
- knowledge of the German language;
- proof of artistic aptitude in case of arts studies;
- proof of aptitude for physical/motor skills when wishing to follow a teacher training program for the subject physical education (*Leibeserziehung*) and for the study course of sports science (*Sportwissenschaften*).

As a matter of principle, compliance with the *general university entrance qualification* for bachelor's and diploma degree courses is provided by the *secondary school-leaving examination (Reifeprüfung/Matura)*.

Persons who did not take the secondary school-leaving examination have the possibility of taking the *university entrance qualification examination* (*Studienberechtigungsprüfung*) for a specific study course and/or a group of studies. In addition, graduates of a skilled-workers' training can take the so-called “*Berufsreifeprüfung*”. It replaces the secondary school-leaving examination in the traditional sense and provides the title for admission to all studies.

Finally, the general university entrance qualification is also obtained by completing studies at a *post-secondary educational institution*, for which the required work output amounts to a minimum of 180 ECTS credits (corresponds to a minimum three-year duration of studies).

The admission requirement for art studies is the successful passing of an *admission examination*, as proof of the artistic aptitude; the secondary school-leaving examination is required for only a few studies. A minimum age of 17 years is required for enrolling as a degree-program student, or 15 years in exceptional cases when studying instruments.

Proof of the general university entrance qualification for *master's degree programs* is to have completed a relevant bachelor's degree program or an equivalent to it. For doctoral programs it is necessary to have completed a relevant master's degree program or diploma program or an equivalent.

Whenever an applicant has obtained a *foreign admission title*, its equivalency to one of the aforementioned Austrian admission titles must be reviewed. In many cases, equivalency has been determined by multilateral and/or bilateral agreements, such as, for example, for a major part of the secondary school-leaving certificates of European states on the basis of the Convention on the Recognition of Qualifications Concerning Higher Education in the European Region ("Lisbon Recognition Convention") of 1997. In all other cases, equivalency must be decided on a case by case basis; if necessary, supplementary examinations may be required as an admission condition.

Specific university qualification means that in addition to the general university entrance qualification, proof must be given that the study-specific admission requirements are met, including the right to immediate admission to a degree program, as they exist in the country issuing the document that is proof of the general university entrance qualification. If, for example, the existence of a limit on the number of students (*numerus clausus*) is an admission requirement for a specific degree program, an applicant having a secondary school-leaving certificate from that state must prove the existence of a limit on the number of students in order to be admitted to the respective degree program in Austria. As far as Austrian secondary school-leaving certificates are concerned, supplementary examinations may have to be taken for specific subjects in the degree program, in accordance with the University Entrance Qualification Degree (*Universitätsberechtigungsverordnung*).

The senate is entitled to establish that *unacceptable study conditions* would prevail if all foreign and stateless applicants were admitted without any restriction, on account of the proportion between teachers and students. In such a case the senate may establish and announce restrictions on the admission of foreign and stateless applicants. EU and EEA citizens and certain other groups of persons, for example refugees or applicants under a mobility program, are exempt from such regulations.

For every further semester, for which study activities are planned, the university must receive the *notification of continuation of enrolment* (*Fortsetzungsmeldung*).

The *tuition fee* fixed within the applicable regulations must be paid for every semester in order to render the admission valid (see Chapter 6).

The *rectorate* is responsible for all decisions on admission.

3.2.4 Curriculum

A *curriculum* must be drawn up and announced for the degree programs that a university sets up. The senate must create a commission with decision-making powers for this purpose. The curriculum is the central document of every degree program. It governs, in particular, the qualification profile and the structure of the program (which may consist of different stages, for example), as well as the examination subjects and the courses required prior to taking an examination, other achievements (always defining the scope of the achievement in ECTS credits) and the way in which examinations must be taken.

The scope of a degree program must be indicated exclusively in terms of the credits established under the European Course Credit Transfer System (ECTS) and not in semesters. This system is an important mobility-promoting instrument.

ECTS is an important information tool. Its original purpose was cross-border mobility, i.e. providing the home institution with the most precise information possible on the range of studies offered at those foreign institutions where a specific section of the studies was taken, but also giving specific information on the extent to which the student in question met the requirements of the foreign institution.

In consequence, every institution participating in ECTS presents

- in detail the range of its courses for all or certain degree programs (a general overview) and
- the workload of a specific student (specific information in individual cases).

Essential components of ECTS are the *information package*, i.e. a precise break-down of the range of courses, the *credits* (1 academic year = 60 credits, with the decisive factor being the workload of an average student with hours in attendance and all other work items in connection with a course) and the *transcript of records*, which is a confirmation of the courses and examinations taken and the credits earned.

The workload must comprise:

- for bachelor's degree courses – 180 ECTS credits;
- for master's degree courses – a minimum of 120 credits;
- for doctoral studies – a minimum of 120 ECTS credits (if the workload comprises a minimum of 240 ECTS credits, the program can be designated as doctoral program for the “Doctor of Philosophy”, and the academic title “Doctor of Philosophy”, abbreviated “PhD” may be awarded);
- for diploma programs – 240 to 360 ECTS credits.

3.2.5 Examinations and Scientific Work

The *examination regulations* for the individual curricula must be laid down by the responsible collegial board. This includes, in particular, regulations concerning the method and purpose of examinations and the way in which they are organized. As a result, the universities have adequate leeway in designing examinations.

The final examinations are the bachelor's, master's or diploma examination, as well as oral examinations for the doctorate (*Rigorousum*). Moreover, a minimum of two *bachelor's theses* must be written in the course of the degree program. For the master's degree program and for the diploma program a *master's thesis* or a *diploma thesis* is required, and for doctoral programs a *doctoral thesis* is a requirement; this must be an independent scientific or artistic piece of work. For university training courses ending in a master's degree, a *master's thesis* or a comparable achievement is required.

The positive results at examinations and regarding scientific or artistic theses are graded

- “very good” (*sehr gut*) (1),
- “good” (*gut*) (2),
- “satisfactory” (*befriedigend*) (3) or
- “passed” (*genügend*) (4);

the negative result is graded

- “failed” (*nicht genügend*) (5).

Intermediate assessments are not admissible. Whenever this type of grading is impossible or inappropriate, the positive grade must be “attended successfully” (*mit Erfolg teilgenommen*) and the negative grade must read “attended without success” (*ohne Erfolg teilgenommen*). Examinations that consist of several

subjects or parts may only be given a positive grade if every subject or part received a positive grade.

As a matter of principle, examinations with a negative grade can be *repeated* three times. When an examination is repeated for the third time, it must be taken before a commission. The statute of every university must determine whether and how many additional examinations are admissible.

A negative result at the last admissible repetition of an examination leads to the *exclusion* from studying at the university at which that last repetition of the examination took place. It is admissible to resume the same study program at another Austrian university. It is also possible at all times to change to another course at the same university. Successfully passed examinations may be taken into account for the new studies in any event.

Examinations that were taken in the course of other studies or at another recognized Austrian or foreign post-secondary educational institution, a higher vocational school, a Higher Institute for the Training of Teachers and Instructors, another recognized Austrian educational institution, where admission requires the general university entrance qualification, or which were taken at the end of a university-level course, must be *recognized* by way of official notification, to the extent that they are equivalent to the examinations required by the curriculum. The examinations taken for a subject at an Austrian university or at a university in the European Union or the European Economic Area must be recognized for the same subject in the respective program of another Austrian university in any event if the ECTS credits (see Chapter 3.2.3) are the same or deviate from each other only slightly. Recognitions may be laid down in general in the curriculum or be granted by way of official notification in individual cases. This is important mainly for participating in mobility programs. Analogous arrangements as for examinations apply to scientific and artistic theses.

There are several multilateral and bilateral *agreements* on the recognition of examinations.

It is not admissible to *appeal* against an examination grade. If the organization of the examination, at which the negative grade was obtained, had major shortcomings, the body responsible for the law regulating university studies must repeal this examination by way of official notification upon application of the student. A student's participation in the examination that was repealed shall not

be counted against the admissible number of times the student may take the examination.

3.2.6 University Degrees

Upon successful completion of everything required by a particular curriculum, the relevant university degree is awarded by way of a written *official notification* promptly, at the latest, though, within one month after satisfaction of the requirements. The official notification must indicate, in particular, the completed study program and the university degree and the legal basis (i.e. the 2002 Universities Act and the relevant curriculum).

The law lists the following *university degrees*:

Bachelor's degree:

- | | |
|--|--|
| • Bachelor of Art | BArt (<i>Bakk. art.</i>) |
| • Bachelor of Arts | BA (<i>Bakk. phil.</i>) |
| • Bachelor of Law | (<i>Bakk. iur.</i>) |
| • Bachelor of Science | BSc (<i>Bakk. rer. nat.</i>) |
| • Bachelor of Science | BSc (<i>Bakk. techn.</i>) |
| • Bachelor of Social and Economic Sciences | BSocEcSc (<i>Bakk. rer. soc. oec.</i>) |
| • Bachelor of Theology | BTh (<i>Bakk. theol.</i>) |
| • Bachelor of Veterinary Medicine | (<i>Bakk. med. vet</i>) |
| • Bachelor (<i>for individual studies</i>) | (<i>Bakk.</i>) |

Master's or Diploma degrees:

- | | |
|--|---|
| • Doctor of Dentistry | DentD (<i>Dr. med. dent.</i>) |
| • Doctor of Medicine | MD (<i>Dr. med. univ.</i>) |
| • Master of Art | MArt (<i>Mag. art.</i>) |
| • Master of Arts | MA (<i>Mag. phil.</i>) |
| • Master of Law | LLM (<i>Mag. iur.</i>) |
| • Master of Science | MSc (<i>DI or Dipl.-Ing.</i>) |
| • Master of Science | MSc (<i>Mag. rer. nat.</i>) |
| • Master of Social and Economic Sciences | MSocEcSc (<i>Mag. rer. soc. oec.</i>) |
| • Master of Theology | ThM (<i>Mag. theol.</i>) |
| • Master of Veterinary Medicine | MVM (<i>Mag. med. vet.</i>) |
| • Master (<i>for individual studies</i>) | (<i>Mag.</i>) |

Doctoral degrees:

- Doctor ... (*additional indications to be determined by the university*) D (Dr.)
- Doctor of Philosophy (see Chapter 3.2.3) PhD (PhD)

Master's degrees can be established by the universities for graduates of university training courses in correspondence to international customs, e.g.:

- Master of Arts (MA),
- Master of Science (MSc).

If a degree program is completed on the basis of a *double-degree program*, it is admissible under certain conditions that the university degree is awarded in one joint document, together with the partner university (universities).

For the purpose of supporting international mobility of graduates, students are entitled to be issued a *Diploma Supplement* pursuant to Article IX.3 of the Lisbon Recognition Convention, in connection with the official notification of being awarded the university degree.

The Diploma Supplement aims at promoting transparency in higher education and at facilitating academic and professional recognition, as well as at allowing an informed assessment of the qualifications obtained. It is designed to be of benefit for the persons concerned, employers and educational institutions.

The Diploma Supplement is not a curriculum vitae, it is not a substitute for the original qualification or a transcript. It is not an automatic guarantee for the recognition of completed studies.

The Diploma Supplement is designed to provide a description of the nature, level, context, content and status of the studies attended and successfully completed by the individual named on the original official notification awarding the degree to which this supplement is appended. It should be free from any value judgments, equivalence statements or suggestions about recognition. It should provide information on the following eight sections, which are a combination of general statements on the specific degree program and the results of the specific graduate:

- information identifying the holder of the qualification;
- information identifying the qualification;

- information on the level of the university degree;
- information on the contents and the results achieved;
- information on the function of the qualification;
- additional information;
- certification of the Supplement;
- information on the Austrian higher education system.

Holders of a university degree awarded by a recognized Austrian or foreign post-secondary educational institution may carry these degrees in their original form in Austria. In this context, “*Mag.*”, “*Dr.*” or “*Dipl.-Ing.*” (“*DI*”) must be put in front of the name, while the other university degrees must be indicated after the name. In the case of foreign university degrees, the position in connection with the name derives from the regulations and/or customs prevailing in the home country. University degrees from an EU country (including contracting states of an accession treaty) or an EEA country may also be *entered* in abbreviated form in public documents.

If an Austrian university degree is urgently needed for the exercise of a certain professional activity – i.e. if the activity falls under an area with statutory regulations and the professional recognition pursuant to EU law does not apply – holders may apply to a university with subject-matter competence for *nostrification* of their foreign university degree. The nostrification procedure is not a degree program but an administrative procedure which is regulated in detail in the university statutes. In a few exceptional cases (e.g. regarding many students from Italy or Croatia) bilateral agreements, instead of nostrification, allow equivalency to be established by the Federal Ministry of Education, Science and Culture.

3.2.7 Distance Learning

The *distance-learning* program is primarily provided for employed persons, persons with care commitments and persons in regions remote from universities interested in studying. Handicapped persons may also benefit from this type of studying, since limited mobility is not as important as in the case of conventional programs requiring student presence.

On the basis of a cooperation agreement with the *Fernuniversität Hagen* (Germany) it is possible for students of that university who live in Austria to receive subject-related and social guidance and counseling at the distance-learning center of the University of Linz and its offices in Bregenz, Vienna and Steyr.

There are also the distance-learning programs of the *Open University* (United Kingdom) which are also monitored by the distance-learning centers and must be pursued in the English language.

The European Association of Distance Learning Universities (AADTU) offers the most important institutional framework for European cooperation in distance learning. It offers Austrian students access to another 15 distance-learning facilities at 60 EuroStudyCentres in Europe.

Distance learning may also be set up with *Austrian universities*. Furthermore, distance-learning units may be offered for every study program. The use of the new media is of central significance in this connection. The University of Linz, for example, has been offering law studies with multi-media support as a distance-learning program since the winter semester of 2001.

3.3 Tuition Fees

3.3.1 Introduction

Students, who are Austrian nationals or nationals of an EU or EEA country or of Switzerland, must pay a tuition fee of *EUR 363.36* per semester. Other students must pay a tuition fee of *EUR 726.72* per semester. The tuition fee is raised by 10% if it is paid during the additional period (ending on 30 November for the winter semester and on 30 April for the summer semester).

Students, who have been admitted to follow *several programs* at several universities, only have to pay their tuition fee once.

Students who are *on leave* for a specific semester do not have to pay a tuition fee. Leave may be granted upon application in serious cases for a maximum of two semesters per incident. In such cases, students are not allowed to participate in courses, to take examinations, or to submit and have assessed pieces of scientific work and pieces of art work.

The tuition fee must be paid *in advance* of every semester. Together with the tuition fee, the student fee for membership in the Austrian Union of Students ("ÖH fee") is collected, as well as possible special fees (at present premium payments for the accident and third-party liability insurance covering students). Payment of the tuition fee, the student fee and the special fee is a requirement for admission or continuation of one's studies. The universities must communicate the relevant student data to the Federal Minister of Educa-

tion, Science and Culture in order to ensure collection of the fees. The Federal Computing Center is in charge of collection.

The tuition fees remain with the respective *university*. The tuition fees of students who pursue a program set up jointly by several universities or who have been admitted to several programs at several universities, must be shared by the universities involved.

When paying their tuition fee, students are entitled to choose from among the possible *special-purpose dedications* of the tuition fees which the senate established.

When attending *university training courses*, participants must pay a course fee. This must be fixed giving due consideration to the actual costs of the university training course. Degree-program students must pay the course fee on top of their tuition fee. Persons receiving study grants, however, will be granted a reduction from the course fee upon application, due consideration being given to their financial possibilities. The senate fixes the course fee. Non-degree program students, who have only been admitted to attend a university training course, must pay the course fee but no tuition fee. Neither a course fee, nor a tuition fee is required for attending a preparation course.

For studying at a university and attending a *Fachhochschule* course of study at the same time, the tuition fee must be paid twice, if the *Fachhochschule* attendance requires payment of a tuition fee.

3.3.2 Remission and Reimbursement

The rectorate shall grant a *remission* of the tuition fee, in particular:

- to students for the semesters in the course of which they will attend courses or spend practical training periods in the framework of transnational EU, state-run or university-level mobility programs, if they can provide proof of this;
- to students for semesters which they will spend abroad on account of binding requirements in their curriculum;
- to foreign students whose home country or the university which they attended most recently in that country also grants students with Austrian nationality a remission of their tuition fee;
- Convention refugees.

In line with the priorities established by Austria regarding measures to support

and promote the economic and social development of developing countries, as well as to support the transition countries of Central and Eastern Europe, the Federal Minister of Education, Science and Culture is authorized to designate, by way of decree, those countries whose nationals may be reimbursed the tuition fee. This means that such persons must pay the tuition fee before they file an application for reimbursement. Reimbursement is handled as part of the private-sector administration on the basis of applications by students and must be completed within four weeks as of the filing of the application. However, there is no legal title to be granted reimbursement.

Whenever such persons were admitted to university on the basis of an *Austrian secondary school-leaving certificate*, they will not be reimbursed the full amount but only EUR 363.36.

3.4 Members of the University

3.4.1 Students

Their status and representation continues to be governed by the 1998 Union of Students Act (*Hochschülerschaftsgesetz*) (see Chapter 6).

3.4.2 Research Fellows

These are students or graduates of a doctoral degree program (post docs) who have a scholarship to work on a research project. Granting them a scholarship does not establish an employment relationship to the university, nor does it change any existing employment relationship.

3.4.3 Physicians Training as Medical Specialists

For the duration of their training they are in a time-limited training relationship to the university. Their tasks derive from the statutory training regulations applicable to physicians.

3.4.4 Scientific and Artistic University Staff

University professors are responsible for research and development and for making the arts accessible, as well as for teaching their special subject, and they are in a limited or unlimited employment relationship to the university. They are full-time or part-time employees. Austrian or foreign scientists or artists having the required high scientific or artistic, as well as professional qualifications for the subject that corresponds to the vacancy may be appointed as university professors. After going through the appointment procedure (conducted by an appointment committee set up by the senate), they are appointed

by the rector. When signing their employment contract with the university, university professors obtain the teaching qualification (*venia docendi*) for the subject for which they are appointed. Any previously obtained teaching qualification is not affected by this act. The teaching qualification expires at the end of the employment relationship. A shortened appointment procedure must be followed, if the appointment is to be made for not more than two years.

The *scientific and artistic staff*, as well as the *staff members in the fields of research, art and teaching* must have the qualification commensurate with their intended assignment. They must contribute to performing the tasks of the university regarding research or the development and promotion of the arts and regarding teaching. They are full-time or part-time employees of the university.

3.4.5 General University Staff

The members of the general university staff include the administrative, technical, library and nursing staff, as well as the physicians who are assigned exclusively to performing their duties at a public hospital. They must have the technical qualifications required for performing their tasks. They are in a working relationship to the university and are part-time or full-time employees.

3.4.6 Outside Lecturers

Outside lecturers are persons who were granted the teaching qualification (*venia docendi*) for a scientific or artistic subject by the university, on account of their scientific or artistic qualification. In this function they are in no employment relationship to the university. They are granted the teaching qualification by the rectorate after conducting a habilitation procedure (by a habilitation committee set up by the senate). The application for the teaching qualification must fall within the scope of the university or must constitute a meaningful supplement to it. The right to freely exercise scientific or artistic teaching activities at that university by using its facilities, as well as to supervise and assess scientific or artistic theses is linked to the granting of the teaching qualification. The prerequisite for being granted the teaching qualification is evidence of an outstanding scientific qualification, as well as of the didactic skills of the applicant. The granting of the teaching qualification neither gives rise to an employment relationship nor does it change an existing employment relationship to the university (thus the title “outside lecturer” = “*Privatdozent/in*”).

3.4.7 Professors Emeritus and Retired University Professors

They are in no active employment relationship to the federal government or the university. They are entitled to continue holding their teaching qualification at

the university at which they worked in an active employment relationship prior to their retirement from an academic chair or prior to their transition or transfer into retirement, as well as to teach courses and give examinations covered by their teaching qualification.

3.4.8 Statutory Staff Provisions

Not all members of the university (see Chapters 3.4.1 to 3.4.7) actually belong to the *university staff*. This was pointed out in connection with the individual groups. The staff of a university in the proper sense of the word consists of the scientific and artistic university staff, on the one hand, and the general university staff, on the other hand.

Since 1 January 2004 every university acts also as an *employer*; all new staff members are employees of their university. The Federation of Autonomous Universities (*Dachverband der selbständigen Universitäten*) signs collective agreements with the trade union. The university, as the employer, and the employees can agree on individual arrangements in the employment contracts. The law provides for the possibility, but not the certainty of a “tenure track”.

The Labor Relations Act applies to universities as it does to other enterprises. The interests of staff members are represented by *employees' councils*. Currently employed tenured staff members continue to enjoy all their rights. The law changes the status of contractual employees of the federal government into that of *employees*, with the law on contractual employees in its respectively valid function forming part of the employment contract. In future, newly hired university staff will not obtain the status of civil servant (tenured status). The employment contracts are concluded on the basis of the Employees Act (*Angestelltenengesetz*). During a transitional phase (2001 to 2003), new staff members were governed by the law on contractual employees (transitional service regulations 2001). As of 2004, their status will be changed into an employment relation on the basis of the collective agreement.

The *freedom* of the sciences and the arts, as well as academic freedom has been enshrined in the law. Nobody can be forced to perform any work contrary to his/her conscience. Every scientist has the right – irrespective of his/her status or age – to determine his/her research activities, as well as to perform sponsored or commissioned research projects. The exploitation rights regarding *inventions* belong to the university, which has to offer them to the inventors.

The rectorate must *advertise* all positions open for appointments. The advertising period must be at least 3 weeks.

Employment contracts are signed by the rector upon a proposal or after hearing the head of the organizational unit and the immediate superior of the position requiring appointment. Employment contracts for staff members working on scientific and/or artistic projects commissioned by third parties as well as for employees who are financed from earmarked funds for the promotion of research must be signed by the rector upon a proposal by the immediate superior.

Employment relations can be entered into for an *indefinite or a definite period of time*. Unless there are statutory provisions to the contrary, employment relations for a definite period of time must be limited to a maximum of six years, as the employment contract would otherwise be invalid. Any further extension, which must be decided by the university management, must be for an indefinite period.

In all cases, the collective agreement must include a *pension-fund arrangement* for the scientific and artistic staff, in line with the Company Pension Act.

3.5 Evaluation and Quality Assurance

The 2002 Universities Act requires universities to build up a quality management system in order to assure quality and performance.

The entire performance spectrum of a university is subject to evaluation. The areas to be evaluated must be determined in the performance agreement. The performance of the scientific and the artistic university staff must be evaluated at intervals lasting no longer than five years. Evaluations must be conducted on the basis of the specific international standards and in line with the statute of the university.

The results of the evaluations must be taken as a basis for the decisions of the university bodies. An assessment by the students of the teaching provided must be taken into account in the performance agreements.

40 Universities of Applied Sciences and Fachhochschule Degree Programs

4.1 Legislation on Organization

4.1.1 Introduction

In May 1993 the National Council adopted the *Fachhochschule Studies Act* (*Fachhochschule-Studiengesetz*) with the goal of creating a broader basis for higher education in Austria and of harmonizing the Austrian education system with those of the EU countries.

There is no legislation as such on the organization of universities of applied science but only a few requirements which are as limited as possible.

Fachhochschule degree programs are degree programs at *university level* which serve to provide a scientifically founded training for specific professions. They are tailor-made to specific job profiles.

The main *goals* are:

- to ensure practice-oriented training at university level;
- to communicate the skills needed for solving the tasks of the respective occupational field in line with the state of the art and practical requirements;
- to promote the permeability of the educational system and the flexibility of graduates regarding various occupations.

Fachhochschule degree programs may be provided by the federal authorities and other legal entities under public and private law. A degree-program *provider* may maintain one or several institutions which are in charge of operating the degree programs. The *Fachhochschule* Council accredits the degree programs. *Fachhochschule* degree programs are accredited for a maximum of five years. Then, they will pass through an internal and external evaluation procedure and must apply to the *Fachhochschule* Council for an extension of their accreditation. At that point, there may be changes regarding contents and methodology of the degree program in question.

The *Fachhochschule* degree programs are offered on a broader *regional* basis than the university programs. Some of the institutions are also found outside of major conurbations.

The *Fachhochschule Council* has been set up as the central body for the *Fachhochschule* sector. It is responsible for decisions on the accreditation of degree program as *Fachhochschule* degree program and on the withdrawal of such accreditations, as well as for awarding the university degrees and for the nostrification of foreign university degrees, for the ongoing evaluation of the entire *Fachhochschule* sector and for advising the Federal Minister of Culture, Science and Culture on matters relating to the *Fachhochschule* sector and the allocation of federal funding.

The *Fachhochschule Council* puts the statutory requirements into more specific terms by issuing guidelines concerning the requirements for filing applications, evaluation standards, etc.

The *Fachhochschule Council* consists of 16 *members*, of which a minimum of four must be women. The members must be capable of taking decisions on pedagogic-didactic issues. One half of the members must have given proof of their scientific qualifications by habilitation or an equivalent qualification, and the other half of the members must have given proof of having worked for several years in occupational fields of relevance to *Fachhochschule* degree programs. The members are appointed by the Federal Minister of Education, Science and Culture, with four of the members having to be appointed upon proposals by the Advisory Board for Economic and Social Questions. The term of office is three years. A consecutive re-appointment for another term of office is admissible. The members are not bound to any instructions when exercising their office.

The *Chairperson* and the Deputy Chairperson are appointed by the Federal Minister of Education, Science and Culture from among the *Fachhochschule Council* members. Their term of office is three years. One consecutive re-appointment is admissible.

The *Fachhochschule Council* is subject to the *supervision* of the Federal Minister of Education, Science and Culture.

4.1.2 The Individual *Fachhochschule* Providers

At present, the following institutions act as providers of *Fachhochschule* degree programs (listed in the order of the location of their head offices; frequently the programs are also provided at other locations):

- Fachhochschule Vorarlberg Ges.m.b.H. (University of Applied Sciences, Vorarlberg)

- Fachhochschul-Studiengänge Burgenland Ges.m.b.H. (*Fachhochschule Diploma Programs Burgenland*), Eisenstadt
- FH Joanneum Ges.m.b.H. (University of Applied Sciences Joanneum), Graz
- WIFI Steiermark Ges.m.b.H. (Styrian Institute for the Promotion of Industry), Graz
- Management Center Innsbruck Ges.m.b.H. (Management Center Innsbruck Ltd.), Innsbruck
- Fachhochschule IMC Krems Ges.m.b.H. (University of Applied Sciences IMC), Krems
- FHS Kufstein Tirol Bildungs-G.m.b.H. (FHS Kufstein Tyrol Ltd.), Kufstein
- FH Salzburg Fachhochschulengesellschaft m.b.H. (FH Salzburg Fachhochschule Ltd.), Salzburg
- Chamber of Labour (Kammer für Arbeiter und Angestellte), Salzburg
- Fachhochschule St. Pölten Ges.m.b.H. (University of Applied Sciences St. Pölten), St. Pölten
- Fachhochschule Technikum Kärnten (University of Applied Sciences Technikum Carinthia), Spittal an der Drau
- Society for Preparing Establishing and Maintaining Universities of Applied Sciences in Upper Austria (*Trägerverein zur Vorbereitung der Errichtung und Erhaltung von Fachhochschulen in Oberösterreich*), Wels
- FHW Fachhochschul-Studiengänge Betriebs- und Forschungseinrichtungen der Wiener Wirtschaft Ges.m.b.H. (*Fachhochschule Diploma Programs and Research Institutions of Vienna's Industry*), Vienna
- Fachhochschule des bfi Wien Gesellschaft m.b.H. (University of Applied Science bfi Vienna Ltd.), Vienna
- Federal Ministry of Defense (*Bundesministerium für Landesverteidigung*), Vienna
- FH Campus Wien, Verein zur Förderung des Fachhochschul-, Entwicklungs- und Forschungszentrums im Süden Wiens (FH Campus Vienna, Society for Promoting the Center for *Fachhochschule*, Development and Research in Southern Vienna), Vienna
- Fachhochschule Technikum Wien (University of Applied Sciences Technikum Vienna), Vienna
- Ronald S. Lauder Verein zur Förderung der Jugend in Österreich (Ronald S. Lauder Society for Promoting the Youth in Austria), Vienna
- Fachhochschule Wiener Neustadt für Wirtschaft und Technik Ges.m.b.H. (University of Applied Sciences Wiener Neustadt for Business and Engineering), Wiener Neustadt

4.1.3 The Designation “University of Applied Sciences” (“*Fachhochschule*”)

Upon application by the provider, institutions that provide *Fachhochschule* degree programs may be awarded the designation “University of Applied Sciences” by the *Fachhochschule Council* by way of official notification and after approval by the responsible Federal Minister (until 31 January 2004 this was done by way of decree by the Federal Minister of Education, Science and Culture). In this connection, the following requirements must be met:

- a minimum of two degree programs by the applicant institutions must have been recognized as *Fachhochschule* bachelor's degree programs with a subsequent *Fachhochschule* master's degree program or as *Fachhochschule* diploma degree programs;
- a plan for the expansion of the institutions in question which establishes with plausibility that a minimum level of 1,000 study places will be reached within five years;
- evidence of an organization that guarantees that teaching and the conduct of examinations are carried out autonomously, especially the existence of a *Fachhochschule Board* (*Fachhochschulkollegium*).

The *Fachhochschule* Board is responsible for implementing and organizing the teaching and the examinations. It comprises representatives of the teaching staff, the students and those persons who were in charge of developing the *Fachhochschule* degree program. An institution with the designation is largely autonomous in organizing its teaching and its examinations, on account of the activities of the *Fachhochschule* Board, whereas in the case of other providers, the *Fachhochschule* Council is responsible for some of these tasks. As for the degree programs as such, their contents, their qualifications under the law regulating university studies and their assessment within Austria and/or on an international level, the designation “University of Applied Sciences” does not make any difference.

At present, seven institutions have received the designation “University of Applied Sciences”. They are specifically marked as “University of Applied Sciences” (“*Fachhochschule*”) in the list in Chapter 4.1.2.

4.1.4 Funding and Infrastructure

One characteristic feature of the universities of applied sciences sector is the system of *mixed funding* based on the standard cost system. The federal government bears the costs per study place, provided that the catalogue of estab-

lished criteria is complied with. The costs for buildings, investments and a part of the running costs are borne by the provider of the *Fachhochschule* degree program (usually the governments of the federal provinces, regional and supra-regional territorial authorities or other public and private institutions assume part of the costs).

4.2 Legislation Regarding *Fachhochschule* Studies

4.2.1 Objective of the Education and Range of Studies

The *Fachhochschule* Studies Act contains a general definition of the *teaching tasks* of the *Fachhochschule* degree programs: to ensure practice-oriented training on the university level; to communicate the skills for solving the tasks of the respective occupational field in line with the state of the art and practical requirements; to promote the permeability of the educational system and the flexibility of graduates regarding various occupations. Further-education courses provide the possibility for further education (see Chapter 4.2.2).

Some of the main *principles* for designing the studies can also be found in the law (for example that the different scientific doctrines and scientific methods must be taken into account or the reference to the principle of the freedom of teaching in connection with the organization of courses in the framework of the teaching tasks to be complied with, as well as the design of their contents and methodology); the detailed design, however, is left to the approval procedure.

These details are established in the *Fachhochschule* diploma courses (240 to 300 ECTS credits). With the amendment of the *Fachhochschule* Studies Act in 2002, the possibility of establishing *Fachhochschule bachelor's degree programs* (180 ECTS credits) and *Fachhochschule master's degree program* (60 to 120 ECTS credits) was also given to the *Fachhochschule* sector. There are no doctoral degree programs in the *Fachhochschule* sector.

At present, there are about 140 *Fachhochschule* degree programs. Most of these are organized as day courses. Since the 1996/97 academic year, courses of study are also being offered to accommodate people holding a job. The *Fachhochschule* degree programs that can be attended by people who work during the day, take account of the specific requirements of working students - the courses are held in the evenings and on weekends. Some distant-learning modules are used. The professional practical training may be waived for those working in that specific field. Moreover, several *Fachhochschule* diploma degree programs were set up for specific target groups; they allow graduates of

upper-level secondary technical schools (*Höhere Technische Lehranstalt* = HTL) to attain advanced qualifications.

The *areas* in which *Fachhochschule* degree programs may be offered have not been laid down by law. At present, such programs are offered in the following areas:

- information science and technologies;
- engineering sciences;
- the media and design;
- social work and the health sector;
- tourism;
- economics.

The *curriculum* and the regulations for examinations are laid down for every degree program by a group of experts. These two elements play a major role when the *Fachhochschule* Council approves a program.

The *academic year* begins on or about 1 October; the details, though, are left to the individual programs.

4.2.2 Courses for Further Education

The providers are also entitled to offer courses for further education in the subjects for which they run accredited *Fachhochschule* degree programs. The *internationally customary master's degrees* may be laid down in the respective curricula, whenever these courses of study are comparable to the respective master's study courses with regard to admission conditions, material content and scope. In all other cases, the title "Akademischer ..." (Academic ...) together with an attribute characterizing the contents of the course of study may be awarded, provided that the course of study in question comprises a minimum of 60 ECTS credits (see Chapter 3.2.4).

4.2.3 Admission Requirements

Admission to a *Fachhochschule* degree program *requires* the following:

- the general university entrance qualification or a professional qualification in the respective field (in this case by additionally taking the examinations in the general educational subjects required by the degree program);
- knowledge of the German language;
- successful completion of the admission procedure required for the degree program.

The *secondary school-leaving examination (Reifeprüfung/Matura)* is always satisfactory proof of the *general university entrance qualification* for *Fachhochschule* bachelor's degree programs and *Fachhochschule* diploma degree programs.

In the *Fachhochschule* sector a *university entrance qualification examination (Studienberechtigungsprüfung)*, a *vocational school-leaving examination (Berufsreifeprüfung)* or completion of a study course at a *post-secondary educational institution* also provides the admission title in the sense of a general university entrance qualification, as is the case with universities (see Chapter 3.2.2).

Successful completion of a relevant *Fachhochschule* bachelor's degree program or an equivalent to it is proof of the general university entrance qualification for *Fachhochschule master's degree programs*.

Replacing the required proof of the general university entrance qualification by a *professional qualification* in the specific field is a special feature of this sector and is the result of greater orientation to occupational requirements. Whenever the educational goal of the degree program in question so requires, entrants with professional qualifications must furnish evidence of additional examinations.

Whenever an applicant has obtained a *foreign admission title*, its equivalency to one of the aforementioned Austrian admission titles must be reviewed. In many cases, equivalency has been determined by agreements, such as, for example, for a major part of the secondary school-leaving certificates of European states on the basis of the Convention on the Recognition of Qualifications Concerning Higher Education in the European Region ("Lisbon Recognition Convention"). In all other cases, equivalency must be decided on a case-by-case basis; if necessary, supplementary examinations may be required as an admission condition.

As a general principle, an entrance examination must be taken or an additional *admission procedure* must be followed whenever the number of applicants exceeds the number of study places.

Whenever the scientific and didactic design of a *Fachhochschule* degree program is based on occupational experience, admission to that *Fachhochschule* degree program may be *limited* to the relevant target group (see Chapter 4.2.1).

4.2.4 *Fachhochschule* Curricula

Unlike the university programs, *Fachhochschule* degree programs have a *practice-oriented focus* and therefore comprise in their curriculum an obligatory professional practical training. As a matter of principle, attendance of the courses is mandatory.

The scope of the studies is no longer expressed in semesters but exclusively in credits corresponding to the European Course Credit Transfer System (*ECTS*) (see Chapter 3.2.3).

4.2.5 Examinations

There is no central regulation regarding the examination system for *Fachhochschule* degree programs; rather, every *Fachhochschule* has its own examinations regulations. A *Fachhochschule* diploma degree program ends with a *diploma examination* which consists of a diploma thesis and an examination taken before a committee. For *Fachhochschule* bachelor's degree programs, completion is based on papers written independently during the courses and an examination taken before a committee (*bachelor's degree examination*). *Fachhochschule* diploma degree programs and *Fachhochschule* master's degree programs end with a *diploma or master's degree examination*, which consist of a diploma thesis or a master's thesis and an examination taken before a committee.

4.2.6 *Fachhochschule* Degrees

After completing the requirements of every curriculum, the respective university degree is awarded. The degree entitles graduates to embark on a doctoral program at a university. For *Fachhochschule* graduates such a program is longer by one and/or two semesters than for university graduates, if the university studies that allow access to the doctoral program have a longer minimum duration than the corresponding *Fachhochschule* course of studies.

University degrees awarded on the basis of completed *Fachhochschule degree programs* are the following:

- | | |
|--------------------------|-----------------------------------|
| • Bachelor of Arts (FH) | <i>Bakk. (FH) – BA (FH)</i> |
| • Master of Science (FH) | <i>Dipl.-Ing. (FH) – MSc (FH)</i> |
| • Master of Arts (FH) | <i>Mag. (FH) – MA (FH)</i> |

As in the case of universities, an attribute may be *added* characterizing the occupational field.

Fachhochschule providers may establish master' degrees on the basis of completed *courses of study for further education*, in line with international customs, for example:

- Master of Arts (MA),
- Master of Science (MSc).

It is inadmissible to *use* the aforementioned university degrees without the attribute “(FH)”. Moreover, the comments on university degrees and their entry into documents made in connection with universities also apply here (see Chapter 3.2.5).

For the purpose of supporting international mobility of graduates, students are entitled to be issued a *Diploma Supplement* pursuant to Article IX.3 of the Lisbon Recognition Convention, in connection with the document on being awarded the university degree. At present, there are no statutory regulations on its use in the *Fachhochschule* sector, but it is one of the criteria for a decision of the *Fachhochschule* Council approving or extending a degree program (see Chapter 3.2.5).

If an Austrian university degree is urgently needed for the exercise of a certain professional activity – i.e. if the activity falls under an area with statutory regulations and professional recognition pursuant to EU law does not apply – holders may apply for *nostrification* of their foreign university degree to a *Fachhochschule* with subject-matter competence or to the *Fachhochschule* Council whenever *Fachhochschule* degree program with subject-matter competence are offered by other institutions. The nostrification procedure is not a degree program but an administrative procedure which is regulated in detail in the statutes.

4.3 Tuition Fees

The providers of *Fachhochschule* degree programs or the universities of applied sciences are entitled, but not obligated, to collect a tuition fee of *EUR 363.36* per semester from students.

The tuition fee must be paid twice, when studying simultaneously at a *university* and at a *Fachhochschule* degree program, which collects the tuition fee.

4.4 Members of Universities of Applied Sciences

4.4.1 Students

Their status and representation is governed by the 1998 Union of Students Act (see Chapter 6).

4.4.2 Staff

The law stipulates as one of the requirements for approving a *Fachhochschule* degree program that the teaching be provided by a *teaching and research staff* with scientific, practical occupational and pedagogic-didactic qualifications and that the requisite application-related research and development work be carried out to achieve the desired objectives and safeguard the principles.

There are *no specific statutory regulations for the staff* in the *Fachhochschule* sector. As a matter of principle, private-law contracts are the only basis of employment.

The *Fachhochschule* Council has established that the *occupational title* – irrespective of the holder's position under labor law – is as follows: *Fachhochschule* Lecturer (up to the third year of an employment relation) or *Fachhochschule* Professor (as of the fourth year).

4.5 Evaluation and Quality Assurance

The law stipulates that one of the *requirements* for having a *Fachhochschule* degree program approved is assurance of its scientific evaluation. For every extension of the recognition an evaluation report must be submitted.

The *Fachhochschule Council* is responsible for conducting the aforementioned evaluations and the ongoing evaluation of the entire *Fachhochschule* sector regarding its coherence with the remaining educational system and its acceptance by the employment market and the demand for its training.

One of the tasks of the *Fachhochschule board* at institutions with the designation “University of Applied Sciences” (“*Fachhochschule*”) is to evaluate the teaching and examination activities, as well as the curriculum and the examination regulations.

5 Private Universities

In addition to the state-run universities there have been private universities in Austria since the year 2000. The legal basis for them is the *University Accreditation Act (Universitäts-Akkreditierungsgesetz)*. Post-secondary studies or university-type educational institutions run by private providers may be recognized by the state.

So far, the following institutions have been accredited as private universities:

- Catholic Theological Private University Linz (*Katholisch Theologische Privatuniversität Linz*)
- IMADEC University, Vienna
- Webster University, Vienna
- Private University for Health Informatics and Technology Tyrol (*Private Universität für Medizinische Informatik und Technik Tirol*), Innsbruck
- PEF Private University for Management (*PEF Privatuniversität für Management*), Vienna
- Paracelsus University (*Paracelsus Universität*), Salzburg
- Anton Bruckner Private University (*Anton Bruckner Privatuniversität*), Linz

The *Accreditation Council (Akkreditierungsrat)* has been set up as the central organ for accrediting private universities. It is responsible, in particular, for decisions on the accreditation of private universities (this includes the accreditation of institutions, as well as the accreditation of new degree programs at already accredited institutions) and the supervision of already accredited private universities (this supervisory function ranges from the Accreditation Council's mere right of information to the withdrawal of the accreditation).

The Accreditation Council puts the statutory requirements into more specific form by issuing *guidelines* on the requirements for application, standards for accreditation, etc.

The Accreditation Council consists of eight members having expertise in the international university sector, which the federal government appoints – four of whom at the proposal by the Rectors' Conference. When the Council's members are appointed, women must be considered in adequate numbers. As a matter of principle, the term of office is five years.

The *Chairperson* and the Deputy Chairperson are appointed by the Federal

Minister from among the Accreditation Council members. Their term of office is three years. It is admissible to be re-appointed for only one consecutive term of office.

The Accreditation Council takes its *decisions* by voting procedure. A decision of the Accreditation Council is only reached if a minimum of five members support a motion.

The Accreditation Council is subject to the *supervision* of the Federal Minister of Education, Science and Culture.

The status of *students* at private universities and their representation is governed by the 1998 Union of Students Act (see Chapter 6).

Private universities decide autonomously on the collection of possible *tuition fees*.

6 Students

The 1998 *Union of Students Act (Hochschülerschaftsgesetz 1998)* applies to the status of students at universities, *Fachhochschule* degree programs, private universities and post-secondary colleges as well as to their representation.

The Austrian National Union of Students (*Österreichische Hochschülerschaft*) and the unions of students at the different universities are public-law corporations and manage their affairs autonomously within the scope of the statutory provisions.

The degree-program students and the non-degree-program students at the universities, the *Fachhochschule* degree programs and the post-secondary colleges are members of the *Austrian National Union of Students*. It is responsible for representing the general and study-specific interests of its members, especially vis-à-vis the state authorities and the organs of the educational institutions, to the extent that these interests do not exclusively relate to an individual educational institution. The Austrian National Union of Students has the right to submit expert opinions and proposals regarding student affairs, the university system and the education system to the competent bodies, as well as to express an opinion on relevant bills and draft ordinances. The Federal Minister of Edu-

cation, Science and Culture has to provide the Austrian National Union of Students with the necessary premises and other facilities.

The *Federal Representation of Students (Bundesvertretung der Studierenden)* has been set up as a body of the Austrian National Union of Students to represent the interests of students throughout Austria. It is elected by the students. The *chairpersons' conferences (Vorsitzendenkonferenzen)* have been set up for the individual branches of the educational institutions. In addition, there is the *Election Committee (Wahlkommission) of the Austrian National Union of Students*.

Degree-program and non-degree-program students belong to the *union of students at their respective universities*. The unions of students are responsible for representing the general and study-specific interests of their members, to the extent that these interests exclusively relate to the respective university, vis-à-vis the state authorities and the university bodies. In addition, they are responsible for participating in state authorities and institutions, in the university collegial boards, as well as their commissions and sub-commissions. Just like the Austrian National Union of Students, they have the right to submit expert opinions with regard to their specific university. The bodies of the unions of students at universities are the university representation of students, the representatives of the individual structural units of the universities and/or their studies and the election committee.

As a matter of principle, the provisions to represent students at *Fachhochschule degree programs* stipulate that a spokesperson must be elected every year for every class (*Jahrgang*) of a *Fachhochschule* degree program and that a *Fachhochschule* degree program representation is set up for every *Fachhochschule* degree program. However, a separate federal law is needed to put this into more concrete terms.

There is no institutionalized representation of the students at the *private universities*; however, they are entitled to vote for the Federal Representation of Students (*Bundesvertretung der Studierenden*).

The students at *post-secondary colleges* are represented by a representative for every course of study and by a representative for every post-secondary college.

The student representatives hold their office on an *honorary basis*. They are entitled to be refunded for the expenses that they incur in exercising their activ-

ities. There are a few special provisions in the statutory provisions regarding studies and in the Student Support Act (*Studienförderungsgesetz*) which facilitate their work.

Individual *divisions* are responsible for the administrative work and for the other fields of duties. The divisions must be set up by the Federal Representation and the university representation pursuant to their relevant statutes. In any event, divisions for educational policy, for social policy and for business matters (business division) must be set up. The divisions are headed by division heads. These must be members of the Austrian National Union of Students, unless the responsible body entrusts qualified staff members to head a division upon proposal of its chairperson. The chairperson may be assign persons in charge as well as staff members to support the division heads, with a view to the scope of their tasks. In any event, persons in charge of the areas of other educational institutions must be assigned to the division for educational policy, set up by the Federal Representation of Students.

The division heads and the delegates in international organizations of students are bound by the *instructions* of the chairperson and the decisions of the responsible bodies.

Every two years, *elections* must be held at the same time for all bodies of the Austrian National Union of Students and the unions of students at the different universities, with the exception of the election committees, on the basis of the statutory provisions governing general, equal and secret proportional voting; they must be held separately for each of these bodies. The voting right must be exercised on an individual basis.

The Austrian National Union of Students and the unions of students at the different universities are subject to the *supervision* of the Federal Minister of Education, Science and Culture. A Control Commission (*Kontrollkommission*) which consists of nine members and is appointed according to an established appointment mode is set up for a term of four years at a time. It reviews the *management of the finances* of the Austrian National Union of Students and the unions of students of the different universities and their business enterprises. Furthermore, the management of the finances of the Austrian National Union of Students and of the unions of students at the different universities, as well as of their business enterprises, is subject to audits by the *Court of Auditors*.

7 Student Support

7.1 Introduction

Student support comprises direct and indirect support measures which are funded from public money for the most part.

Indirect support measures are independent of any social need; as far as their financial volume is concerned, they constitute the overwhelmingly largest part of the state's support measures. The indirect support measures comprise family allowances, sharing the insurance coverage of parents or self-insurance schemes, statutory accident insurance, as well as fiscal benefits whenever children are enrolled as students.

Direct support measures, which are granted pursuant to the Student Support Act (*Studienförderungsgesetz*), depend upon the social needs and the academic success of students. The income of the student and/or the person with maintenance obligations is decisive for the definition of social need. In this connection, there are also special support measures such as study grants (*paying* the entire or part of the tuition fee), commuter traveling grants, benefits for studying abroad, etc.

In addition, the universities receive funds from the Federal Minister of Education, Science and Culture to grant performance-based or research scholarships in order to support *students who achieve especially good results*.

7.2 Study Grants

7.2.1 Introduction

Study grants are the most important of the state's student support measures. They are meant to facilitate access to studies for every young person who is willing to and capable of studying. They contribute towards overcoming social and regional barriers.

According to Austrian law, it is a matter of principle that *the parents of a student meet the financial needs of their children* until they become capable of maintaining themselves – which also means until they have completed their studies, provided they pursue them in a purposeful way. It is only in those cases where the parents or the students – on account of the respective income situation - are not in a position to bear the costs involved in studying that student support measures are meant to provide a form of subsidiary.

Two main *requirements for an entitlement* derive from the foregoing consideration, namely that of “meriting support” on the one hand and that of proving “positive academic success” on the other hand.

The so-called “*self-provider scholarship*” is a special type of study grant. It is meant for students who have “provided for themselves” for a minimum of four years with an annual minimum income of EUR 7,272 before receiving a study grant for the first time. In such cases, the parents’ income need not be taken into consideration. Positive academic success is also required in this case.

7.2.2 Persons Entitled to Receive Study Grants

Degree-program students at universities and *Fachhochschule* degree programs

- who are Austrian nationals or nationals of an EU or EEA country or of Switzerland;
- who are not Austrian nationals but who, together with at least one parent, had the center of their interests in Austria and were liable to income taxation for a minimum of five years before beginning to study;
- who are Convention refugees

are entitled to receive study grants.

The students must *merit support on social grounds*. The determining factors for meriting social support are income, marital status and family size. These factors also determine the amount of the student support.

In addition, students must provide proof of their *positive academic success*. For the first or the first two semesters, students must prove that they have begun to study as degree-program students. However, proof of academic success must be shown during the period of application for the third semester; otherwise the study grants received up to that date must be refunded. As a rule, one speaks of positive academic success when positive evidence regarding a specified number of courses can be shown by the end of the period of application for the third semester and the entitlement period (= statutory period of study per stage of degree program plus one semester, unless the gravity of the circumstances warrants an exception).

Students must have begun to study before reaching the age of 30 (for students providing for themselves that limit may be raised to a maximum of 35 years under certain circumstances), and they must not have completed an equivalent education in Austria or abroad. A master’s degree program, following upon a bachelor’s degree program, as well as a doctor’s degree program, following

upon a master's degree program or a diploma degree program, present an exception to the foregoing. Students must not have changed their studies more than twice. If the course of studies is changed after more than two semesters, students may lose their entitlement temporarily, unless they received credit for the entire previous course of studies.

7.2.3 Amount of Study Grants

The *amount* of the monthly study grant is calculated by deducting the reductions from the possible maximum annual student grant.

As a matter of principle, the *maximum study grant* amounts to EUR 5,088 per year. This amount also applies to studies that are followed by way of distance learning. However, the maximum study grant amounts to EUR 7,272 per year for orphans, for married students, for students who are required by law to maintain and educate a minimum of one child, for students who need to have a domicile in the municipality of the place of study for reasons of their studies, because their parents' domicile is unreasonably remote from the place of studies (an ordinance on this subject contains detailed regulations), as well as for students who provide for themselves.

Study grants are *paid* twelve times per academic year. Since amounts below EUR 15 are not paid on a monthly basis, the lowest amount of study grant is EUR 15.

An extra amount is granted to *handicapped* students; this is determined by the type and degree of the disability. An ordinance on this subject contains detailed regulations.

Students who are required by law to *maintain and educate a child* are eligible to receive an extra amount of EUR 44 per month.

The maximum study grant due in every case is reduced by the following:

- the amount exceeding EUR 5,814 as an annual income of the student (reasonable own contribution by the student);
- the reasonable maintenance payment by the parents and/or the spouse of a student;
- the annual amount of the family allowance and the amount deductible for every child. In case of students beyond the age of 26 (in case of students serving their military service or their alternative military service or in case of childbirth: beyond the age of 27), this amount is not deducted.

7.3 Additional Support Measures

The law provides for the following additional support measures:

- *commuter travel grants* (to support students receiving study grants to finance travel expenses that are necessary to complete their studies);
- *contribution to insurance costs* (to support students receiving study grants regarding a reasonably-priced self-insurance in a health insurance scheme);
- *scholarships to complete studies* (to support degree-program students at university during the final phase of their studies up to an age limit of 41 years);
- *tuition-fee grant* (to pay the tuition fee).

7.4 Support to Study Abroad

7.4.1 Continued Payment of Study Grants

For the time of their studies abroad (for a maximum of four semesters), students continue to be entitled to receive study grants.

7.4.2 Grants for Studies Abroad

Students receiving study grants are entitled to receive grants for their studies abroad in order to support them in their studies at foreign universities and research institutes. The requirement is that a diploma examination or a *Rigorosum* examination or an equivalent examination has been passed and that the studies abroad last a minimum period of three months. The amount is laid down by ordinance.

7.5 Performance-Based and Support Scholarships

7.5.1 Performance-Based Scholarships

Performance-based scholarships are intended to recognize *outstanding academic performance*. They must be offered by the universities and/or *Fachhochschule* degree programs for every academic year.

The *requirements* for being awarded a performance-based scholarship are compliance with the entitlement period for the respective stage of a degree program, taking account of possible serious reasons, an average grade of not less than 2.0 on the examinations, courses and scientific projects used for assessment, as well as compliance with the application conditions.

A performance-based scholarship must not be less than the *amount* of the study grant (see Chapter 3.3 and 4.3) for two semesters and must not exceed the amount of EUR 1,500.

Performance-based scholarships are *awarded* within the scope of private-law administrative matters on the basis of student applications. There is no legal title to an award.

7.2.5 Support Scholarships

Support scholarships are intended to support *scientific or artistic theses* by degree-program students. They must be offered every academic year at universities and/or *Fachhochschule* degree programs.

The *requirements* for being awarded a support scholarship are an application by the student for a support scholarship in order to finish an uncompleted thesis, together with a description of the work still to be done, a list of its costs and a financing plan. A minimum of one expert opinion by a responsible university teacher on the list of costs and on whether the student is likely to finish the work with above-average success on the basis of his/her previous study record and his/her proposals for carrying out the work. The entitlement period must be observed, and the application conditions must be satisfied.

The *amount* of a support scholarship must be no less than EUR 700.-, for an academic year, and no more than EUR 3.600.-.

Support scholarships are *awarded* within the scope of private-law administrative matters on the basis of student applications. There is no legal title to an award.

7.6 Study Assistance

Within the scope of private-law administrative matters, the Federal Minister of Education, Science and Culture may grant students and graduates of degree programs financial assistance (contributions to costs, in kind benefits) to meet housing costs, etc., in order to compensate them for social hardships and particularly difficult study conditions.

7.7 Study Grant Authority

The *Study Grant Authority (Studienbeihilfenbehörde)* has been set up in order to handle applications for study grants, study assistance and grants for studies abroad, to grant and/or pay other support measures pursuant to the guidelines of the Federal Minister, as well as to advise in matters of study support measures. The authority has its office in Vienna and is directly subordinate to the Federal Minister of Education, Science and Culture in all matters regarding organization.

The *scholarship offices (Stipendienstellen)* of the Study Grant Authority are located in Graz, Innsbruck, Klagenfurt, Linz, Salzburg and Vienna. Additional scholarship offices may be set up by way of ordinance, defining the terms of their competences, in case of adequate demand in order to simplify administrative routines. The geographical scope of the scholarship offices is laid down by way of ordinance. Senates with a term of office of two years must be set up with these offices.

Parties may lodge an *appeal* against decisions of the Study Grant Authority within two weeks for reasons of alleged violation of the law. On the basis of such an appeal and possible additional investigations, the Study Grant Authority may, within a period of two months, amend, change or repeal a decision which it has issued in any way without seizing the competent senate. The senate of the Study Grant Authority must decide on appeals, in which no prior decision was taken, as well as on submitted applications against a prior decision. Appeals against a decision of the senate of the Study Grant Authority must be addressed to the Federal Minister of Education, Science and Culture.

7.8 Psychological Advice to Students

The Federal Minister for Education, Science and Culture may set up psychological counseling offices for students of universities, educational institutions for theology and *Fachhochschule* degree programs at every university location in order to assist students in their choice of studies and study activities. The Federal Minister of Education, Science and Culture may extend the competences of these offices also to students at post-secondary colleges for paramedical occupations and midwifery colleges by way of ordinance and in agreement with the Federal Minister of Social Security, Generations and Consumer Protection.

8 International Developments

8.1 Bologna Process

Austria is very actively involved in implementing the *Bologna Declaration*. A monitoring process has been put in place for implementing the objectives of the “Bologna Declaration” at Austria’s universities. Reports are published at regular intervals.

The statutory requirements for obtaining the objectives of the Bologna Declaration are largely met in Austria.

- The Diploma Supplement was introduced on a mandatory basis by amending the 2002 University Study Record Ordinance (see Chapter 3.2.5).
- The 1999 Amendment of the Universities Studies Act (see Chapter 3.2.1) provided the basis for introducing bachelor’s and master’s degree programs at universities. The 2002 Amendment of the *Fachhochschule* Studies Act also provided for bachelor’s and master’s degree programs also in the *Fachhochschule* sector (see Chapter 4.2.1).
- Both, the University Studies Act and the 2002 Amendment of the *Fachhochschule* Studies Act, govern the mandatory awarding of ECTS credits to courses within the scope of the curricula (see Chapter 3.2.2, see Chapter 4.2.3).
- The legal bases for double-degree programs was created in the 2002 Universities Act, as well as with a change adopted in 2004 of the 2002 *Fachhochschule* Studies Act (see Chapter 3.2.5).
- In addition to supporting students with social needs (study grants, see Chapter 7), a wide range of scholarships is available which makes it possible for students to obtain financial support for their international mobility (see Chapter 8).
- The new service regulations stipulate different support measures and facilitate teaching and research stays of university teachers abroad.

In contrast to earlier times, when the recognition of examinations and university degrees was governed by statutory provisions, the common practice nowadays – since the universities and the *Fachhochschule* degree programs set up their curricula autonomously, which means that recognition issues must also be solved autonomously – is moving in the direction of preparing the information internationally in order to provide the universities and *Fachhochschule* degree programs with reliable information about the systems of higher education in

other countries. On account of its Europe-wide network, ENIC NARIC AUSTRIA (Recognition Information Center), located at the Federal Ministry of Education, Science and Culture, provides the relevant information.

Instead of bilateral agreements on the recognition of studies, multilateral recognition of qualifications on the university level in the European region is the current objective, pursuant to the *Lisbon Recognition Convention*. Austria is actively involved in preparing recommendations on implementation so that the existing recognition instruments can be used to improve academic mobility. Only in those cases where the high mobility flows of students make it appear useful, were the existing bilateral agreements updated. The new trend for bilateral contacts on a national level consists of jointly preparing recommendations on recognition issues regarding the universities of the two respective states.

Furthermore, presentations of Austria as a *location for institutions of higher learning* are made regularly in order to create and reinforce interest among foreign university institutions in Austria as being such a location and in cooperating with Austrian universities and *Fachhochschule* degree programs.

8.2 EU Exchange Programs

8.2.1 SOCRATES

The large-scale EU education program SOCRATES supports mainly the mobility of teachers and students at higher-education institutions with its sub-program ERASMUS, with the European dimension, in particular, enjoying special attention (see Chapter 8.1). It is the largest European exchange program on the university level.

SOCRATES is the program of action of the European Community for cooperation in the field of education. The second phase of the program is running from 2000 to 2006. It builds on the experience and success of the first phase (1995 – 1999), improves and concentrates existing actions and introduces a number of new features. It pursues the following goals:

- expanding the European dimension of general education on all levels;
- facilitating broad trans-national access to the education system in Europe, as well as promoting equal opportunities in all spheres of education;
- promoting a quantitative and qualitative improvement of the proficiency in the languages of the European Union, in particular those less widely spread and taught;

- promoting cooperation and mobility in the education system, especially by stimulating exchange measures between educational institutions;
- promoting open teaching and distance learning;
- promoting an improved recognition of completed studies and times spent studying;
- developing information exchange and providing support for removing any barriers still existing in this connection;
- promoting innovations in developing teaching methods and means;
- dealing with issues of common interest in connection with education policies.

The SOCRATES program contributes toward implementing the principle of equal opportunities for women and men, as well as equal opportunities for persons with disabilities, and it contributes actively to the fight against social marginalization, racism and xenophobia.

8.2.2 LEONARDO DA VINCI

The *LEONARDO DA VINCI* program promotes European projects between educational institutions and the business community. These are, in particular:

- practical training for apprentices, pupils, students, young workers/employees, graduates and trainers in one of the 30 European countries participating in the program;
- project partnerships between vocational-training institutions and enterprises throughout Europe in order to develop, test and disseminate innovative teaching and learning materials, as well as new methods and approaches to vocational training.

8.3 Scholarship Programs

On the one hand, studies abroad are promoted within the framework of the *Student Support Act (Studienförderungsgesetz)*, which supports the study stays of socially needy students for a period of up to four semesters (see Chapter 7.4.2). On the other hand, funds are available to the universities in their budgets that may also be used as scholarships for students and graduates. The scholarships are awarded exclusively according to the quality of the projects for short-term scientific research and/or other study achievements abroad, as well as to joint study projects directly at the universities.

The Federal Minister of Education, Science and Culture awards the scholarships only for the *post-graduate training* of graduates from Austrian universi-

ties and *Fachhochschule* degree programs (master's degree or PhD programs in countries with another language).

The Federal Minister of Education, Science and Culture awards the scholarships to *foreign students, graduates and young scientists* as part of the following scholarship programs:

- Austrian scholarships to students and graduates who are working on diploma theses, doctoral theses and other scientific projects on Austria-related topics;
- Ernst Mach scholarships for graduates from industrialized countries for scientific projects in Austria;
- Bertha-von-Suttner scholarships for writing doctoral theses and completing doctoral studies in Austria (scholarships for three-month periods);
- Franz Werfel scholarships – these are two-year research scholarships for young university teachers focusing on Austrian literature, for their further education in Austria.

Applications for these scholarships are filed with Austria's representations abroad. The selection is made by a commission of scientists in Austria.

8.4 Cooperation

8.4.1 Cooperation with Central and Eastern Europe

The cooperation between Austrian and Central and Eastern European universities is quite diverse; for many years the Federal Minister for Education, Science and Culture has provided financial support for these projects.

CEEPUS succeeded in expanding its important role in regional cooperation, especially through the cooperation of the CEEPUS countries in EU educational programs. The regional cooperation between the countries of Central and Eastern Europe cannot be replaced by cooperation on the European level. Many historical, cultural, economic and ecological issues need to be tackled jointly primarily on the regional level. In the framework of CEEPUS, it was also possible to integrate universities in Albania, Bosnia and Herzegovina, Croatia, Macedonia as well as Serbia and Montenegro into the “thematic networks”.

8.4.2 Cooperation with Southern Europe

The activities with the countries in Southern Europe are bundled in the framework of the Task Force Education and Youth of the *Stability Pact* for South-

Eastern Europe, which grew out of the “Graz Process”. The “Graz Process” goes back to an event on educational cooperation for peace, stability and democracy in South-Eastern Europe during Austria’s EU Presidency. Since 1999 strategies and work programs have been implemented in the framework of the Stability Pact chaired by Austria. There are individual university cooperation projects, for example the cooperation of the University of Graz with the University of Shkoder (Albania), and a commitment of the University of Vienna in Sarajevo (Bosnia and Herzegovina) and in Tirana (Albania). Funding has been provided for integrating Serbian and/or Montenegrin university teachers into existing *TEMPUS* networks with Austrian participation, as well as for additional scholarships in the framework of thematic networks of the CEEPUS program. Furthermore, study grants of the Federal Minister for Education, Science and Culture serve, in particular, to support students from the Kosovo (a total of currently more than 160) during four semesters.

8.4.3 Cooperation with South-East Asia, Central Asia and China

The *ASEA-UNINET* has experienced a positive development in that region. Among other things, the network has been made responsible for technology scholarships for South-East Asia.

Moreover, Austrian universities and *Fachhochschule* degree programs have begun – with the financial support of the Federal Minister of Education, Science and Culture to build up and expand contacts to Central Asia and China. The goal is to create a university network as part of the “*EURASIA Network*”, with as many Austrian universities and *Fachhochschule* degree programs as possible becoming integrated. Summer schools in China and Austria were organized, in order to facilitate contacts between students in the fields of economic science, law, languages and culture, in addition to cooperation among university teachers.

8.5 Institutions

8.5.1 Austrian Exchange Service (*Österreichischer Austauschdienst*)

The Rectors’ Conference founded the association “*Österreichischer Austauschdienst (ÖAD) – Agentur für Internationale Bildungs- und Wissenschaftskooperation*” (Austrian Exchange Service – Agency for International Educational and Scientific Cooperation) in 1961 with the goal of supporting foreign students during their stay in Austria. Today, the ÖAD – which is Austria’s largest non-profit agency serving the international exchange of students and scientists – serves the following tasks:

- carrying out the scholarship programs of the Federal Minister of Education, Science and Culture and the foreign-relation matters, as well as looking after the scholarship students and visiting researchers during their stay in Austria, as well as their follow-up assistance after their return to their home-countries;
- functioning as national agencies for the European education and mobility programs SOCRATES and LEONARDO DA VINCI;
- managing a number of third-country programs of the European Union;
- managing and administering the campaigns “Austria – Slovakia”, “Austria – Czech Republic” and “Austria – Hungary”;
- functioning as the National CEEPUS Office;
- managing and administering the agreement on scientific-technical cooperation (WTZ);
- operating pre-study courses in the university towns of Graz, Leoben and Vienna;
- marketing activities for Austria as a location for institutions of higher learning;
- information activities for foreign students and visiting researchers;
- refunding the tuition fees to degree-program students at universities (see Chapter 3.3.2);
- promoting (academic) mobility;
- networking and cooperating with other international exchange organizations;
- helping to find accommodation for foreign students and visiting researchers.

8.5.2 Foreign-Relations Offices

At the universities and the institutions for implementing *Fachhochschule* degree programs, foreign-relations offices (having different names and organizational structures) have been set up. Similar contact points can also be found at some post-secondary colleges. They are all responsible for procuring services for the departments and/or the Austrian Exchange Office (see Chapter 8.4.2).

