UNIVERSITY OF APPLIED SCIENCES STUDIES ACT

(FHStG)

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Federal Act on University of Applied Sciences Degree Programmes
(University of Applied Sciences Studies Act – FHStG)
Entry into Force: §§ 6, 7, 8, 9, 10 and 11: May 29, 1993
All other provisions: October 1, 1993

Federal Act Amending the Federal Act on University of Applied Sciences Degree Programmes (FHStG)
Entry into Force: May 18, 1998

2nd Euro Conversion Act – Federal Government
Entry into Force: January 1, 2002

Federal Act on Documentation in the Educational System (Educational Documentation Act)
Entry into Force: January 1, 2003

Federal Act Amending the Federal Act on University of Applied Sciences Degree Programmes (University of Applied Sciences Studies Act – FHStG)
Entry into Force: May 1, 2002

Federal Act Amending the Federal Act on University of Applied Sciences Degree Programmes (University of Applied Sciences Studies Act)
Entry into Force: February 1, 2004

Federal Act Amending the University of Applied Sciences Studies Act, the Medical Technological Services Act and the Midwifery Act
Entry into Force: March 31, 2006

Federal Act Amending the University of Applied Sciences Studies Act
Entry into Force: December 5, 2007

First Federal Constitution Clearing Up Act
Entry into Force: January 1, 2008

Quality Assurance Framework Act – QSRG
Promulgation: Federal Law Gazette I No. 74/2011
Entry into Force: March 1, 2012

¹ Bundesgesetzblatt für die Republik Österreich (BGBl.).
Federal Act Amending the University of Applied Sciences Studies Act
Promulgation: Federal Law Gazette I No. 74/2012
Entry into Force: August 3, 2012

Federal Act Amending the University of Applied Sciences Studies Act
Promulgation: Federal Law Gazette I No. 79/2013
Entry into Force: January 1, 2014

Federal Act Amending the University of Applied Sciences Studies Act
Promulgation: Federal Law Gazette I No. 45/2014
Entry into Force: July 1, 2015
Section 1

Scope of Application

§ 1. This Federal Act shall regulate the operation of University of Applied Sciences degree programmes and certificate programmes for further education as well as the granting of the designation "Fachhochschule" (University of Applied Sciences).

Providers

§ 2. (1) University of Applied Sciences degree programmes\(^3\) may be provided by the Federal Government and other legal entities under public law. Legal entities under private law may provide University of Applied Sciences degree programmes if the primary object of their business is establishing, providing and operating University of Applied Sciences degree programmes.

(2) The providers shall be entitled to charge the degree programme students tuition fees amounting to a maximum of EUR 363.36 per semester. Students from third countries who do not fall under the persons mentioned in § 1 of the regulation issued by the Federal Minister of Science and Transport on the specification of groups of persons for the admission to degree programmes (Regulation on Eligible Groups of Persons), Federal Law Gazette II No. 211/1997, as amended by Federal Law Gazette II No. 15/1998, and who have been granted a residence permit for students according to § 64 Settlement and Residence Act (NAG), Federal Law Gazette I No. 100/2005, may be charged fees that, as a maximum, cover costs. The restrictions concerning the amount in the first sentence shall not apply to educational activities by providers offered and carried out exclusively in third countries.

(3) The providers shall have to establish a quality management system for the purpose of service and quality assurance.

(4) Collecting a flat fee to cover the costs for materials, equipment, and other services that concern the normal day-to-day operations of a degree programme shall be impermissible. Additional, actual costs incurred shall be settled between the provider and the students on an individual basis.

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

Objectives and Guiding Principles of University of Applied Sciences Degree Programmes

§ 3. (1) Universities of Applied Sciences and institutions offering University of Applied Sciences degree programmes shall offer degree programmes at university level, providing a scientifically rigorous professional education. Their main objectives shall be:

1. Ensuring a practice-oriented education at university level;

2. Imparting the ability to solve problems in the respective profession according to the state of the art and the current and future practical requirements;

3. Promoting the permeability of the educational system and the professional flexibility of the graduates.

\(^2\) Fachhochschul-Studiengesetz – FHStG.

\(^3\) Fachhochschul-Studiengänge.
(2) Principles for the organization of University of Applied Sciences degree programmes shall be:

1. University of Applied Sciences degree programmes shall have to pay attention to the multiplicity of scientific theories and scientific methodologies; the principle of freedom of teaching shall refer to the organization of courses within the scope of the teaching objectives to be attained and the presentation of content and methods with regard to paras. 1 and 2.

2. The workload associated with University of Applied Sciences bachelor degree programmes shall amount to 180 ECTS credits and that associated with University of Applied Sciences master degree programmes to 60, 90 or 120 ECTS credits. § 51 para. 2 subpara. 26 of the Universities Act 2002 (UG), Federal Law Gazette I No. 120/2002, shall apply by analogy to the calculation of ECTS credits. For part-time University of Applied Sciences bachelor degree programmes, the allocation of ECTS credits to the academic year may be lower. If admission to a University of Applied Sciences degree programme is limited according to § 4 para. 4, fourth sentence, the amount of credits may be reduced by up to 60 ECTS credits.

2a. University of Applied Sciences bachelor degree programmes may be offered only in combination with University of Applied Sciences master degree programmes or University of Applied Sciences diploma degree programmes provided by the same institution.

3. Within the framework of the University of Applied Sciences bachelor degree programmes and the University of Applied Sciences diploma degree programmes the students shall be required to attend a practical course on the job, which shall constitute a relevant part of the training. The period of studies shall not be extended by the duration of the practical course.

4. Studies at a University of Applied Sciences shall be organized in such a way that they can be completed within the scheduled period of studies. At the same time attention shall be paid to the fact that the annual work load of a student must not exceed 1 500 hours.

5. The type and scope of the individual courses and examinations shall be laid down in the curriculum and the examination rules.

6. The diploma examination concluding a University of Applied Sciences master degree programme or University of Applied Sciences diploma degree programme shall be a comprehensive examination, consisting of the submission of a Master's or diploma thesis and an examination before a committee. University of Applied Sciences bachelor degree programmes shall require the submission of independent papers in connection with courses (bachelor papers); the final bachelor examination shall be an examination before a committee.

7. The courses attended and the examinations passed shall be attested to the student in writing every year and when leaving the University of Applied Sciences degree programme.

8. The didactics of the courses shall be designed in accordance with their objectives and the level of education of the students.

9. The courses shall be subjected to an evaluation by the students; the results of the evaluation shall serve for quality assurance and shall be used for the pedagogically didactic further education of the teachers.

10. University of Applied Sciences degree programmes can also be run as joint degree programmes. These are degree programmes conducted in the form of a joint, double, or multiple degree programme on the basis of an agreement between one or several Austrian universities, providers of University of Applied Sciences degree programmes, private universities or university colleges for education as well as recognised postsecondary educational institutions abroad, with these agreements stipulating the workload that the students enrolled shall be committed to at the participating educational institutions.
11. The providers of University of Applied Sciences degree programmes shall be entitled to establish certificate University of Applied Sciences programmes for further education. These programmes may also be run jointly by several providers of University of Applied Sciences degree programmes as well as together with other recognised postsecondary educational institutions. The participating educational institutions shall conclude an agreement regulating the implementation, in particular the responsibilities (admission, awarding of certificates, recognition of exams, etc.). The curriculum to be enacted identically by the participating educational institutions shall indicate the division of subjects or courses among the educational institutions. Responsibilities under federal law shall remain unaffected by this provision. The certificate University of Applied Sciences programmes for further education may be conducted in cooperation with non-educational legal entities for the purpose of financial and organisational support.

Students

§ 4. (1) Students fulfilling the subject-relevant requirements shall be admitted to Universities of Applied Sciences degree programmes irrespective of their origin, their sex, race, social standing, class and religion.

(2) Degree programme students mean students admitted to degree programmes. Non-degree seeking students mean students admitted to non-degree programmes.

(3) Degree programmes mean University of Applied Sciences bachelor, master, and diploma degree programmes. Non-degree programmes mean certificate programmes for further education under § 9 and the attendance of individual courses.

(4) The educational requirement for admission to a University of Applied Sciences bachelor degree programme shall be the general university entrance qualification or a subject-relevant professional qualification; the educational requirement for admission to a University of Applied Sciences master degree programme shall be the completion of a subject-relevant University of Applied Sciences bachelor degree programme or the completion of an equivalent degree programme at a recognised domestic or foreign postsecondary educational institution. This shall be an educational institution offering degree programmes lasting for at least six semesters which requires the general university entrance qualification under this Act for admission and which is recognised as a postsecondary educational institution according to the legal regulations of the country in which it is domiciled. In case that equivalence has been established basically and only certain supplementary qualifications are required for full equivalence, the programme director shall be entitled to tie the determination of equivalence to examinations to be taken during the master degree programme. If the scientific and didactic concept of a University of Applied Sciences degree programme is based on professional experience, admission to such a University of Applied Sciences degree programme may be limited to an appropriate target group. If a degree programme requires proficiency in a particular language, students shall submit proof of proficiency in this language.

(5) The general university entrance qualification shall be proved by one of the following documents:

1. Austrian secondary-school leaving certificate, including a certificate of the TVE Diploma Examination,
2. a university entrance qualification certificate according to § 64a of the Universities Act relevant for the respective University of Applied Sciences degree programme,
3. a foreign certificate which, in the individual case, is equivalent to one of these Austrian certificates on the basis of an agreement under international law or a nostrification or a decision taken by the programme director of the Austrian University of Applied Sciences degree programme,
4. a document certifying the completion of studies of at least three years at a recognised domestic or foreign post-secondary educational institution.

(6) In case the foreign certificates are not equivalent as to contents and requirements of an Austrian secondary-school leaving examination, the programme director shall prescribe
supplementary examinations that are necessary to establish an equivalence with the domes-
tic secondary-school leaving examination and which shall be passed prior to admission.

(7) If required by the educational objectives of the respective degree programme, first-
year students with a relevant professional qualification shall submit proof of the completion of
additional examinations. The definitions of the relevant professional qualifications and addi-
tional examinations shall be laid down for the respective degree programme as part of the
accreditation upon application by the provider or, in individual cases, by the programme di-
rector for qualifications not regulated by the official accreditation notification.

(8) First-year students with a relevant professional qualification shall take the required
supplementary examinations either before starting their studies or up to a certain date in their
studies, in any case before starting their second year of studies. In the case of part-time
studies an appropriate extension of this deadline may be granted. The supplementary exam-
inations may be taken and the qualifications required for them may be acquired at institutions
of adult education accredited by the Federal Government as recipients of federal grants, at
courses organized by the Government, at publicly licensed private schools for master work-
men or at institutions providing University of Applied Science degree programmes.

(9) In order to promote the international mobility of students and graduates, the compe-
tent Federal Minister shall lay down by decree in which form the Diploma Supplement ac-
cording to Art.IX.3 of the Convention on the Recognition of Qualifications concerning Higher
Education in the European Region, Federal Law Gazette III No. 71/1999, shall be issued.

(10) Degree students and non-degree students shall be members of the Austrian Na-
tional Union of Students according to the Union of Students Act 2014, Federal Law Gazette I
No. 45/2014.

§ 5. [deleted]

Academic Degrees

§ 6. (1) Upon completion of the studies and examinations required by the University of
Applied Sciences degree programmes an academic degree shall be awarded by the Univer-
sity of Applied Sciences Board.

(2) The academic degrees shall be "Bachelor ..." for University of Applied Sciences
bachelor degree programmes, "Master ..." or "Diplom-Ingenieurin/Diplom-Ingenieur ..." for
University of Applied Sciences master degree programmes, each with a reference to the re-
spective group of disciplines added. For University of Applied Sciences diploma degree pro-
grammes, the academic degrees shall be "Magistra/Magister ..." or "Diplom-
Ingenieurin/Diplom-Ingenieur ..." with a reference to the respective group of disciplines and
the letters "(FH)" added. If the letters "(FH)" have been added to the academic degree, it is
inadmissible to use this academic degree without the addition of "(FH)". The admissible aca-
demic degrees, the additional references as well as the abbreviations of the academic de-
grees shall be laid down by the Agency for Quality Assurance and Accreditation Austria; this
decision shall require the approval of the competent Federal Minister. For the individual Uni-
versity of Applied Sciences degree programme, the respective academic degree with its ad-
tional references shall be laid down by the Agency for Quality Assurance and Accreditation
Austria in the official accreditation notification.

(3) In order to promote international mobility of students an English translation shall be
added to the awarding document, without translating the name of the provider and of the is-
suming body as well as of the academic degree proper with the additional references.

(4) The successful completion of a University of Applied Sciences master degree pro-
grame or of a University of Applied Sciences diploma degree programme shall qualify to
pursue a subject-related doctor degree programme at a University, which in case the normal
period of studies of the University of Applied Sciences master degree programme or of the
University of Applied Sciences diploma degree programme was shorter compared to the sub-

4 Universität.
ject-related master degree or diploma programme at the respective University shall be pro-
longed by the time difference.

(5) For potential doctoral degree programmes, the competent Federal Minister shall is-
sue a decree. The scope of the basic courses, subject-relevant supplementary courses and
specialised courses to be laid down in case of a prolongation under para. 4 shall be adjusted
to the subject-specific requirements of the doctoral thesis.

(6) The decision on an application for nostrification of a degree earned at a foreign Uni-
versity of Applied Sciences shall be taken by the University of Applied Sciences Board of the
institution to which the application has been submitted and which runs the respective pro-
gramme. The University of Applied Sciences Board shall examine whether the applicant's
foreign degree programme is designed in such a way with respect to its requirements, overall
scope and subject contents that it can be regarded as equivalent to the domestic University
of Applied Sciences degree programme named in the application. In case that equivalence
has been established basically and only certain supplementary qualifications are required for
full equivalence, the applicant shall be entitled to take the courses and examinations named
by the University of Applied Sciences Board as non-degree seeking student.

(7) For an application for nostrification of an academic degree earned at a foreign Uni-
versity of Applied Sciences, proof shall be furnished that the nostrification is indispensable
for the practice of the profession or for the continuation of the applicant's education in Aus-
tria. The same application for nostrification shall not be submitted to more than one body
simultaneously, nor may it be resubmitted after its withdrawal.

Teaching and Research Staff

§ 7. (1) The teaching and research staff at Universities of Applied Sciences and in Uni-
versity of Applied Sciences degree programmes shall consist of persons employed on a full-
time or a part-time basis.

(2) Part-time employees shall be persons who
1. are engaged exclusively in teaching,
2. do not teach more than six weekly semester hours, and
3. pursue in a verifiable manner a professional occupation under full social insurance
obligation.

(3) Part-time teaching staff according to para. 2 may have substituted themselves by
other qualified persons.

(4) § 98 Labour Relations Act\(^5\) (personnel information right) shall also apply to the group
of persons employed on a part-time basis, even in case of a free employment contract or an
independent occupation.

Section 2

Accreditation Requirements

§ 8. (1) An application for the accreditation of a degree programme as a University of
Applied Sciences degree programme shall be addressed to the Agency for Quality Assurance
and Accreditation Austria.

(2) The following requirements shall be met by the provider for the accreditation as a
University of Applied Sciences as well as for the duration of the accreditation:

1. It shall submit a development plan, which shall contain at least a plan for the estab-
ishment of the respective educational institution in the form of a University of Ap-
plied Sciences, taking into account the objectives of the educational institution, the
main focus and planned activities in teaching and research as well as the develop-

\(^5\) Arbeitsverfassungsgesetz – ArbVG.
ment plan for the structure and contents, gender equality and the advancement of women, and the development of a quality management system;

2. It shall submit a draft statute according § 10 para. 3 subpara. 10;

3. It shall fulfil the assessment areas according to § 23 of the Act on Quality Assurance in Higher Education (HS-QSG), Federal Law Gazette I No. 74/2011.

(3) An accreditation as a University of Applied Sciences degree programme shall require that

1. the objectives and guiding principles for the organization of University of Applied Sciences degree programme (§ 3) are observed;

2. the curriculum and examination regulations correspond to subject-relevant and professional requirements; in accordance with the European Credit Transfer System (ECTS, 253/2000/EC, Official Gazette No. L 28 of February 3, 2000) the individual studies shall be assigned ECTS credits. With these credits the share of the workload of the students related to the individual studies shall be determined in relation to the entire degree programme, with 60 credits being assigned to the workload of one year of studies and 30 credits to the workload of one semester;

3. courses are offered by a scientifically, professionally and pedagogically-didactically qualified teaching and research staff;

4. the practice-related research and development work necessary to achieve the objectives and secure the guiding principles shall be carried out by members of the teaching and research staff;

5. the group of persons entrusted with the development of the degree programme applied for and the teaching and research staff carrying out the degree programme are as autonomous as at universities and that the students are guaranteed an appropriate right of co-determination;

6. provisions are made for recognizing proven knowledge in terms of the job-oriented training in the respective degree programme and the period of studies can thus be shortened;

7. those university entrance qualification examinations permitted under § 64a of the Universities Act as well as those subject-relevant professional qualifications including potential supplementary examinations that are appropriate as admission requirements for the degree programme applied for are indicated. This shall envisage such knowledge as is indispensable in order to achieve the educational objective of the degree programme applied for, also taking into consideration the promotion of the permeability of the educational system;

8. a scientific evaluation of the University of Applied Sciences degree programme is guaranteed;

9. a survey of demand for and acceptance of the University of Applied Sciences degree programme is furnished;

10. the required staff, facilities and equipment are available for the duration of the approval of the University of Applied Sciences degree programme;

11. an estimate showing the costs per study place and a financial programme for the duration of the approval of the University of Applied Sciences degree programme are submitted;

12. the requirements of the assessment areas according to § 23 of the Act on Quality Assurance in Higher Education are fulfilled.

(4) The group of persons entrusted by the provider with the development of the degree programme applied for must include at least four persons. Of them two must be academically qualified by a habilitation degree or an equivalent qualification, and two must furnish proof of an activity in an occupational field relevant for the University of Applied Sciences degree programme applied for. The persons responsible for the development of the University of Applied Sciences degree programme shall be named in the application; the provider shall entrust one person with providing further information to the Agency for Quality Assurance.
and Accreditation Austria, as necessary. In case of accreditation, at least four persons of the
group of persons entrusted with the development shall be full-time or part-time teachers in
the degree programme. Of them two must be academically qualified by a habilitation degree
or an equivalent qualification, and two must furnish proof of an activity in a professional field
relevant for the University of Applied Sciences degree programme applied for. If one of these
persons leaves the teaching and research staff during the period of accreditation, he/she
must be replaced by an equally qualified person.

(5) An application for accreditation of a University of Applied Sciences degree pro-
gramme shall, in addition to the proof of the preconditions mentioned in paras. 2 to 4, con-
tain:

1. the name of the provider; if the provider is a legal entity under private law, an extract
   from the company register or the register of associations must be furnished;
2. the appointment of the programme director, who will in individual cases decide on
   requests of applications and students;
3. the presentation of a curriculum and examination regulations including a proposal
   for the time structure of the degree programme taking the Students Support Act
   1992, Federal Law Gazette No. 305, into account;
4. the presentation of admission rules indicating the number of study places and the
   criteria for the selection of applicants in case the number of applicants should ex-
   ceed the number of study places.

Certificate University of Applied Sciences programmes for further educa-
tion

§ 9. (1) The providers shall be entitled to establish also certificate University of Applied
Sciences programmes for further education in those fields for which they offer accredited
University of Applied Sciences degree programmes. These certificate programmes for further
education shall be integrated into the internal quality assurance and quality enhancement
processes in an appropriate manner.

(2) In the curriculum of a certificate University of Applied Sciences programme for further
education in the respective disciplines internationally common degrees may be laid down,
which may be conferred upon the graduates of those certificate University of Applied Sci-
ences programme for further education whose access requirements, scope and qualifications are
comparable with the access requirements, scope and qualifications of corresponding foreign
master degree programmes. The quality of teaching shall be assured by a scientifically and
didactically appropriately qualified teaching staff.

(3) If para. 2 is not applicable, the designation "Akademische …" or "Akademischer …"8
with an addition specifying the contents of the respective certificate University of Applied Sci-
ences programme for further education may be laid down, which shall be conferred upon the
graduates of those certificate University of Applied Sciences programmes for further educa-
tion that cover at least 60 ECTS credits.

(4) For the attendance of certificate University of Applied Sciences programmes for fur-
ther education, non-degree seeking students shall have to pay a course fee. The fee shall be
set with regard to actual costs.

(5) For the attendance of certificate University of Applied Sciences programmes for fur-
ther education participants shall have to pay a course fee. It shall be assessed taking actual
costs into consideration.

(6) To the documents on the award of designations translations into foreign languages
may be added in which the names of the provider and of the issuing institution as well as the
designation itself shall not be translated.

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6 Studienförderungsgesetz 1992 – StudFG.
7 Lehrgänge zur Weiterbildung.
8 "Academically certified…".
.§ 10. (1) For the purpose of implementing and organising all teaching and examinations, each provider of University of Applied Sciences degree programmes shall establish a University of Applied Sciences Board. It shall meet at least twice a year.

(2) The University of Applied Sciences Board shall consist of, in addition to the chairperson of the Board and the deputy chairperson, six heads of the degree programmes established at the University of Applied Sciences, six representatives of the teaching and research staff as well as four representatives of students at the University of Applied Sciences degree programmes. These representatives on the Board shall be elected by the respective groups of people. If fewer than six heads of University of Applied Sciences degree programmes are available, they shall be supplemented with representatives of the teaching and research staff. When preparing the election proposals for the representatives to be elected, each group shall, if possible, include at least 45% women.

(3) The tasks of the University of Applied Sciences Board shall be:
1. Electing the chairperson and deputy chairperson on the basis of a proposal of three candidates made by the provider. Subject to approval by the Board, this proposal can be reduced to two persons;
2. making applications addressed to the provider concerning the recall of the chairperson or the deputy chairperson or submitting an opinion on such an intention on the part of the provider in case these bodies have grossly violated or neglected their duties or are no longer able to fulfil their duties;
3. modifying the accredited degree programmes in consultation with the provider;
4. establishing or terminating a degree programme and a certificate programme for further education in consultation with the provider;
5. making applications concerning the budget (capital, non-personnel and personnel expenditures) addressed to the provider;
6. submitting proposals for the appointment and dismissal of teaching and research staff to the provider;
7. coordinating the content of all teaching and examinations;
8. evaluating all teaching including examination rules and curricula;
9. awarding academic degrees and revoking them, deciding on the nostrification of foreign degrees as well as awarding, in consultation with the provider, academic honours common in the university system;
10. adopting rules of procedure and a statute in consultation with the provider. The statute shall, as a minimum, include the curriculum and examination rules, rules for the election of the Board, the establishment of working groups, if any, and their statutes, measures aimed at gender equality, provisions for the advancement of women as well as guidelines for the appropriate use of designations used in the university system and for the award of academic honours. The statute shall be published in a suitable format;
11. deciding on complaints lodged against decisions taken by the programme director.

(4) The tasks of the chairperson of the University of Applied Sciences Board shall be:
1. If employed on a full-time basis, giving instructions to members of the teaching and research staff as to the nature and extent of the exercise of their teaching assignment, as far as this is necessary for the regular operation of studies according to the curricula;
2. assignment of lectureships on the basis of proposals by or in consultation with the University of Applied Sciences Board;
3. external representation of the University of Applied Sciences Board as well as the execution of decisions of the University of Applied Sciences Board.

(5) The tasks of the programme director shall be:
1. Admission to examinations, assignment of examiners, setting of examination dates;
2. recognition of studies and examinations in individual cases;
3. revocation of examinations;
4. decisions in matters concerning study law according to §§ 11 to 21;
5. decisions according to § 4 paras. 4, 5 subpara 3, paras. 6 and 7.

(6) A complaint can be lodged with the Federal Administrative Court against decisions of the University of Applied Sciences Board according to para. 3 subpara. 9. Against decisions of the programme director, students and applicants shall have the right to lodge a complaint with the Board.

(7) The provider of a University of Applied Sciences shall see to it that the teaching and research staff will participate in applied research and development work. This may be done in its own institution or by way of co-operation with other research and development institutions.

(8) The provider shall be authorised according to the regulations of the University of Applied Sciences Board to allow persons employed to use the corresponding designations in the university system under the Universities Act in an appropriate manner. The use of these designations shall only be admissible with the addendum "FH", "(FH)" or "Fachhochschul-...".

(9) The University of Applied Sciences degree programmes and the Universities of Applied Sciences shall have the right to bear the Federal Coat of Arms.

(10) The competent Federal Minister shall be entitled to request information on all and any matters concerning the University of Applied Sciences degree programmes. The provider and the University of Applied Sciences Board shall be obliged to provide the competent Federal Minister with all relevant information, to submit all documents relating to the matters specified, to undertake the investigations mandated, and to initiate investigations in situ.

Section 3
Study Law

Admission Procedure

§ 11. (1) An admission procedure shall be conducted at least in those cases, where the number of applicants for a degree programme exceeds the number of available places. Performance-based criteria for the admission procedure shall be defined that take into account the educational requirements of the respective degree programme. Contingent on organisational considerations, interviews with all applicants shall be conducted and shall be taken into consideration when ranking the applicants. For bachelor and diploma degree programmes, the applicants shall be divided into different groups according to their prior education, with at least one group representing applicants with relevant professional qualifications. The groups of applicants shall be allocated to the number of study places on a pro rata basis. The applicants' assessments that are used as a basis for the compilation of the ranking list shall be documented in a verifiable and transparent manner.

(2) The applicants shall not be required to pay fees for the admission procedure.

Recognition of Documented Knowledge

§ 12. (1) Regarding the recognition of documented knowledge, the principle of course-based recognitions shall apply. The equivalence of the acquired knowledge with the requirements regarding subject contents and scope of the courses to be recognised shall be determined upon application by the student. If considered equivalent, passed examinations shall be recognised. In these cases, the student's knowledge shall not be tested.

(2) Specialist knowledge or experience from the job shall be taken into consideration for the recognition of courses or the professional practical training; this shall apply in particular to part-time degree programmes and parts of degree programmes.
General Examination Regulations

§ 13. (1) Examinations shall take place as soon as possible after the end of the courses in which the subject contents relevant for the examination were taught.

(2) Students shall have the right to take the examination in a different format, if they submit proof of a disability that makes it impossible to take the examination in the prescribed format and if the different format does not impact subject contents and requirements of the examination.

(3) A sufficient number of dates for examinations and resits shall be offered each semester and academic year, so that the continuation of the studies is possible without losing a semester. The dates for resits shall take into account the scope and level of difficulty of the examination. The examination dates shall be announced in good time. Examinations shall be held, as a minimum, at the end of each semester and at the beginning of each semester.

(4) The students shall be informed, in an appropriate manner, of the exact examination regulations (contents, methods, assessment criteria and assessment standards) and possibilities for resits for each course at the beginning of each course. Examinations can also be held for individual modules.

(5) Failure to prove sufficient reasons for not taking an examination for courses with final examinations shall result in the loss of one possible attempt.

(6) Students shall be permitted to have inspection of the assessment documents and the examination records, provided that they make such requests within six months of the announcement of examination results. Students shall be entitled to make photocopies of these documents.

(7) If the assessment documents (in particular, examiners’ reports, corrected written examinations and exam papers) are not surrendered to the students, steps shall be taken to ensure that they are held in safekeeping for at least six months after announcement of the result.

Leave from Study

§ 14. An application for leave from study shall be submitted to the programme director. The reasons for the leave and the intended continuation of the studies shall be substantiated or shall be plausible. The decision on the application shall take into account urgent personal, health or job-related reasons. While on leave, the student cannot take any examinations.

Oral Examinations

§ 15. (1) Oral examinations shall be open to the public, but it shall be permissible to limit admission to the number of persons that the premises can accommodate.

(2) Records have to be kept of all oral examinations. Records of examinations shall include the subject of the examination, the place and time thereof, the name of the examiner or the names of the members of the examination committee, the name of the student, the questions asked, the assessment grades awarded, the reasons for a negative assessment as well as any unusual occurrences. The result of an oral examination shall be made known to the student immediately after the examination. Records of examinations shall be kept on file for at least one year from the date of the announcement of the assessment.

(3) For oral examinations held before examination committees, the examination committee shall consist of at least three persons. If the number of committee members is even, the chairperson of the examination committee shall have the right to cast the deciding vote in case of a tie. All members of the examination committee shall be present for the duration of the entire examination; if necessary, this requirement can be deemed to be fulfilled through the use of electronic media.

Examinations Concluding a University of Applied Sciences Bachelor, Master and Diploma Degree Programme
§ 16. (1) The examination before a committee concluding a University of Applied Sciences bachelor degree programme under § 3 para. 2 subpara. 6 shall be held before an examination committee that has the relevant expertise. This examination before a committee shall consist of the following parts:
1. Oral examination on the submitted bachelor papers as well as
2. on the connections to relevant subjects in the curriculum.

(2) The examination before a committee concluding a University of Applied Sciences master degree programme or a University of Applied Sciences diploma degree programme under § 3 para. 2 subpara 6 shall be held before an examination committee that has the relevant expertise. This examination before a committee shall consist of the following parts:
1. The presentation of the diploma or master's thesis,
2. an oral examination that connects the topic of the diploma or master's thesis with the relevant subjects in the curriculum, as well as
3. an oral examination about other subjects relevant to the curriculum.

(3) The students shall be informed about admittance to the examinations before a committee in an appropriate manner.

(4) The students shall be informed about the assessment criteria and the results of the assessment of the examination before a committee.

(5) The examination committee shall be selected from those persons who are entitled to act as examiners for examinations before committees. The examination committee shall consist of the examiners for each candidate.

Assessment of Examinations

§ 17. (1) Examinations and academic theses shall be graded based on the Austrian grading scale from 1 to 5. If this form of assessment is impossible or inexpedient, the form of words for a pass shall be "successfully completed" or "recognised". In case of a negative assessment, the regulations for the repetition of the coursework for courses with continuous assessment shall apply.

(2) The assessment of an examination before a committee concluding a University of Applied Sciences bachelor degree programme as well as the comprehensive examination before a committee concluding a University of Applied Sciences diploma degree programme and master degree programme shall be based on the following assessments:
Passed: for a positive assessment;
Passed with distinction: for a performance at the examination that is considerably above average;
Passed with highest distinction: for an outstanding performance at the examination.

(3) The results of examinations and assessments of academic theses shall be evidenced by certificates. Consolidated transcripts of examinations passed in one semester may be issued.

(4) Certificates shall be issued without delay and within four weeks of performance of the work assessed at the latest, consolidated transcripts within four weeks after the end of the semester.

Repetition of Examinations

§ 18. (1) Students shall be entitled to repeat failed final examinations of a course two times; the second repetition shall be held before an examination committee and can be held as an oral examination or as a written examination. The statutes can permit further resits.

(2) If the sum of the individual assessments made in courses with continuous assessment results in a negative overall assessment, the students shall be granted a reasonable extension period for the completion of the required coursework (1st repetition). After a second negative assessment, the examination shall be held before a committee (2nd repetition).
(3) Students shall be entitled to repeat failed bachelor examinations held before a committee and failed comprehensive examinations held before a committee in University of Applied Sciences master or diploma degree programmes two times. The statutes can permit further resits.

(4) One repetition of a study year due to a negative assessment of an examination held before a committee is permissible. An application for the repetition has to be submitted to the programme director. Failed examinations shall be retaken and the corresponding courses shall be retaken as part of the repetition of the study year, while passed examinations shall only be retaken and the corresponding courses only be retaken, if the purpose of the degree programme makes this necessary.

(5) Students who were excluded from a degree programme due to a negative assessment of the last permissible repetition of an examination shall be excluded from a renewed admission to the same degree programme.

Bachelor Papers, Diploma Theses, and Master's Theses

§ 19. (1) Several students may jointly work on a topic, provided that the performance of each student can be assessed individually.

(2) The positive assessment of the diploma thesis or master's thesis is a condition for the admission to the examination before the examination committee. A diploma thesis or master's thesis that has not received a positive assessment shall be returned to the student for revisions and resubmission within a stipulated period of time.

(3) A master's thesis or diploma thesis that has received a positive assessment shall be published by lodging it with the library of the provider of the University of Applied Sciences degree programmes. On lodging a master's thesis or diploma thesis with a library, the author shall be entitled to apply for access to the copies deposited with the library to be withheld for a maximum of five years from the time of delivery. Such applications shall be approved, if the student establishes that important legal or business interests of the student would be materially endangered by permitting access.

Annulment of Assessments and Thesis Submissions

§ 20. The result of an examination or academic thesis shall be annulled if such result was obtained by fraudulent means, in particular by the use of unauthorised aids. Such annulled examinations shall be counted towards the permissible number of resits.

Legal Protection

§ 21. Appeals against the academic judgment of examiners shall be impermissible. If the manner in which an examination resulting in a negative assessment was conducted exhibits defects, the student has the right to lodge a complaint with the programme director within two weeks who can then annul the examination. If the examination was held by the programme director, the complaint shall be lodged with the Board. The student has the right to continue to take courses until a decision on the complaint has been made. Examinations that are annulled shall not be counted towards the permissible number of resits.

Designation "Fachhochschule"

§ 22. (1) The Agency for Quality Assurance and Accreditation Austria shall, by official notification, confer the designation "Fachhochschule" upon institutions carrying out University of Applied Sciences degree programmes upon application by the provider, if all the conditions under para. 2 are fulfilled.

(2) Conferring the designation "Fachhochschule" shall require that

1. at least two degree programmes of the institution applied for have been accredited as University of Applied Sciences bachelor degree programmes with a subsequent University of Applied Sciences master degree programme or as a University of Applied Sciences diploma programme;
2. A plan has been submitted for the development of the respective institution making it credible that a minimum of 1,000 study places will be reached within six years.

(3) A conferral according to para. 1 shall not give rise to any financial claims against the Federal Government.

(4) A conferral according to para. 1 shall be revoked, if one of the requirements under para. 2 is no longer met.

(5) Boards established at Universities of Applied Sciences shall use the designation "Fachhochschulkollegium" (University of Applied Sciences Board).

Section 4

Reporting

§ 23. (1) In order to fulfil its tasks, the Agency for Quality Assurance and Accreditation Austria shall be entitled to require the providers of University of Applied Sciences degree programmes to provide information on the current developments.

(2) The providers shall submit a report on the developments during the preceding reporting period to the Agency for Quality Assurance and Accreditation Austria by the end of May each year. This report shall include the following:

1. Information on the developments in the assessment areas defined in the Act on Quality Assurance in Higher Education;
2. Information on changes vis-à-vis the previous report or vis-à-vis the last accreditation application.

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

(4) The providers shall contribute to the collection of statistical information to be able to provide information on the operation of studies according to the applicable legal provisions and shall make this information available to the Agency for Quality Assurance and Accreditation Austria. Furthermore, for the accurate calculation of the funding granted, the Agency for Quality Assurance and Accreditation Austria shall, by decree, enact regulations for the provision of the following data:

1. Obligation to provide data on applicants for University of Applied Sciences study places;
2. Personal identifier system and obligation to provide data on students;
3. Obligation to provide data on degree programmes;
4. Obligation to provide data on examinations;
5. Obligation to provide data on teaching and research staff;
6. Obligation to provide data on research and development projects;
7. Obligation to provide data on the financial management and asset management of the providers of University of Applied Sciences degree programmes.

Penal Provision

§ 24. Anyone who deliberately without authority awards, grants or uses

1. the designations specific to Universities of Applied Sciences or
2. the abbreviation "FH" or
3. the academic degrees mentioned in § 6,

if the act does not constitute a punishable offence coming under the jurisdiction of a court of law or is not according to other rules of administrative penalty subject to more severe pun-
ishment, is committing an administrative offence punishable by the locally competent district administration by a fine of up to Euro 15 000.--.

Implementation

§ 25. (1) The Federal Minister for Science and Research is entrusted with the enactment of this Federal Act.

(2) References to other Federal Acts contained in this Act shall be deemed to be references to the current versions.

Entry into Force

§ 26. (1) The present Federal Act shall, subject to different provisions in para. 2, enter into force on October 1, 1993.

(2) §§ 6, 7, 8, 9, 10, and 11 shall enter into force on the day following their promulgation.


(4) § 2, § 3 para. 2, § 4 para. 2, § 5 paras. 2, 3 and 5, § 6 paras. 2, 3 and 5, § 7 paras. 2, 5 and 6, § 8 paras. 1 to 3, § 9 para. 3, § 11 paras. 1, 2 and 3, § 12 para. 2, § 14 para. 3, § 15 paras. 1, 2 and 4, § 17 para. 4, § 20 para. 4 and § 21 including the headline, as amended by the Federal Act, Federal Law Gazette I No. 58/2002, shall enter into force on May 1, 2002.

(5) § 1, § 3 para. 2 sub paras. 2 and 10, § 4 paras. 3a, 5, 7 and 8, § 5 paras. 2 and 3a, § 6 para. 1 sub paras. 1, 5 and 6 as well as para. 5, § 12 para. 1, para. 2 first sentence and sub paras. 3 to 5, para. 3, para. 4 first sentence and subpara. 2, § 13 paras. 2, 2a and 4, § 14 para. 1 first sentence, sub paras. 1 and 2 as well as para. 2 first sentence, § 15 para. 1 and para. 2 subpara. 1, § 16 para. 2, para. 3 subpara. 3, para. 4 subpara. 4 and para. 6. § 17 para. 1, § 18, § 20 para. 5 as well as § 21 paras. 4 and 5, as amended by the Federal Act, Federal Law Gazette I No. 110/2003, shall enter into force on February 1, 2004.

(6) § 27 paras. 9 and 10 as amended by Federal Law Gazette I No. 74/2011 shall enter into force with the expiry of the day they become accessible in the Federal Legal Information System. All other provisions of §§ 1 to 27 as amended by Federal Law Gazette I No. 74/2011 shall enter into force on 1 March 2012.

(7) § 10 para. 6 as amended by Federal Law Gazette I No. 79/2013 shall enter into force on January 1, 2014.

Transitional Provisions

§ 27. (1) University of Applied Sciences degree programmes accredited according to § 13 prior to May 1, 2002 shall be University of Applied Sciences diploma degree programmes under § 3 para. 2 subpara. 2, as amended by the Federal Act, Federal Law Gazette I No. 58/2002.

(2) The official notifications of accreditation served according to § 13 prior to May 1, 2002 shall remain unaffected by the amendments of the Federal Act, Federal Law Gazette I No. 58/2002.

(3) This Federal Act according to the wording prior to the Federal Act, Federal Law Gazette I No. 58/2002, shall be applicable to applications for accreditation as a University of Applied Sciences degree programme submitted prior to May 1, 2002 and still pending.

(4) The right to use academic degrees that have already been awarded shall remain unaffected. If the academic degree was awarded with the addition "(FH)", the use of this academic degree without the addition "(FH)" shall be inadmissible. The graduates are however entitled to use the academic degree laid down by § 6 para. 2 instead of the awarded academic degree. Upon application the provider shall issue a respective certificate.

(5) The right to use the designation "Fachhochschule" (University of Applied Sciences) already awarded by decree by the competent Federal Minister or by official notification issued by the University of Applied Sciences Council shall remain unaffected. The Agency for
Quality Assurance and Accreditation Austria shall be competent for the revocation of the entitlement under § 22 para. 4.

(6) Previous University of Applied Sciences bachelor degree programmes and University of Applied Sciences Magister degree programmes shall be regarded as University of Applied Sciences bachelor degree programmes and University of Applied Sciences master degree programmes according to § 3 para. 2 subpara. 2; pursuant to § 3 para. 2 subpara. 6 previous bachelor papers shall be regarded as bachelor papers, and diploma theses written as part of University of Applied Sciences master degree programmes shall be regarded as master’s theses.

(7) Boards shall be established by 1 September 2012. Until the establishment of the Boards, the University of Applied Sciences Council shall remain competent for the award of academic degrees and for nostrifications, and at Universities of Applied Sciences the University of Applied Sciences Board shall remain competent for this. Boards pursuant to the provisions of § 10 shall be newly established by 1 September 2012. Heads and deputy heads of University of Applied Sciences Boards who have been elected pursuant to § 16 of the University of Applied Sciences Studies Act (FHStG), as amended by Federal Law Gazette I No. 2/2008, and whose term of office has not expired by 1 September 2012 shall remain in office and shall continue to act as heads and deputy heads of the Board under § 10 FHStG, provided that they are confirmed in office by the other members of the Board who have been elected pursuant to § 10 para. 2 FHStG. If this confirmation is not given, the heads and the deputy heads shall remain in office until a new head and a new deputy head have been elected.

(8) Procedures that are pending at the University of Applied Sciences Council as of 1 March 2012 shall be continued according to the provisions under this Act, as amended by Federal Law Gazette I No. 2/2008, but shall be concluded by 31 August 2012. For those procedures that are not concluded by the University of Applied Sciences Council by 31 August 2012, the competence shall be transferred to the Agency for Quality Assurance and Accreditation Austria.

(9) The providers shall, prior to the establishment of certificate programmes for further education, submit the curricula to the University of Applied Sciences Council according to § 14a paras. 2 and 3 by 29 February 2012. The University of Applied Sciences Council shall prohibit the establishment within three months upon receipt by the Management Office of the University of Applied Sciences Council by official notification, if the requirements under § 14a paras. 1 to 3 of this Act, as amended by Federal Law Gazette I No. 2/2008, are not met.

(10) Members of the University of Applied Sciences Council who are in office on 30 September 2011 shall remain in office until 31 August 2012. The term of office of the members of the University of Applied Sciences Council shall end on 31 August 2012. The President of the University of Applied Sciences Council and the Vice-President who are in office on 30 September 2011 shall remain in office until 31 August 2012.

(11) Those providers existent as of 1 March 2012 with accredited University of Applied Sciences degree programmes that have already passed an institutional assessment shall not be subject to a procedure according to § 23 of the Act on Quality Assurance in Higher Education. The Agency for Quality Assurance and Accreditation Austria shall award an accreditation for an unlimited period according to § 23 of the Act on Quality Assurance in Higher Education by official notification. These providers shall, within six years, starting from the date of the last institutional assessment according to the University of Applied Sciences Studies Act, perform the first audit according to § 22 of the Act on Quality Assurance in Higher Education. Those providers existent as of 1 March 2012 with accredited University of Applied Sciences degree programmes that have not yet undergone an institutional assessment shall obtain an institutional accreditation by 31 December 2014 according to § 23 of the Act on Quality Assurance in Higher Education.

(12) § 2 para. 2, as amended by Federal Law Gazette I No. 74/2011, shall apply to all students beginning their studies after 1 March 2012.
(13) Elections for the representatives of each year and degree programme shall be held by 31 December 2014 for the last time according to the stipulations under § 5; the term of office of the University of Applied Sciences study representations, the degree-programme representations and the year representations shall end by 30 June 2015.