

# Constitution of „Diplomatische Akademie, Studenten-Initiative“

## *Based on Vereinsgesetzes 2002*

*Version 2, decided on 30.05.2017*

### **Article 1: General Provisions**

- (1) The association is called „Diplomatische Akademie, Studenten-Initiative“. It is based in Vienna (postal code 1040) and is active in all of Austria.
- (2) The association’s business year starts on July 1<sup>st</sup> of each year and ends on June 30<sup>th</sup> of the following year.
- (3) In cases where the constitution employs gendered terms, these include women and men equally.

### **Article 2: Purpose**

- (1) The purpose of the association that does not intend to generate any profits, is to support all physical persons (“*students*”) who participate in various types of study programs (“*Lehrgänge, Höhere Lehrgänge, Doktoratsstudien or Gemeinsame Studienprogramme*” according to the DAK - Gesetz 1996, jointly called “*study programs*”).
- (2) Support for the students includes
  1. promoting a lifestyle based on equality and intercultural exchange;
  2. the integration of foreign students in Austria;
  3. extracurricular education in the spirit of peace, democracy and international cooperation
  4. raising awareness for environmental protection and promoting a healthy, active and sustainable lifestyle
  5. supporting the student representatives in their tasks according to § 20 DAK – Gesetz 1996.

### **Article 3: Means supporting the association’s purpose**

- (1) The purpose of the association will be fulfilled through the following activities (Par. 2) and financial means (Par. 3).
- (2) To fulfil the association’s purpose, the following activities are envisioned:
  1. organization of (public) events, e.g. lectures/talks, discussions, conferences or debating competitions;
  2. mediations, e.g. between students and organs or lecturers of the Vienna School of International Studies (“*DA*”);
  3. negotiations with the DA in order to improve the study programs;
  4. joint sports activities;
  5. joint cultural activities (e.g. acting, music, singing, dancing, etc.);
  6. publishing of diverse publications;
  7. financial support for activities of students, according to the purpose of the association;
  8. organization of language training activities;
  9. organization of joint visits to museums, theatres, cinemas, etc., in line with the purpose of the association;
  10. organization of field trips and social gatherings.
- (3) The needed financial means will be raised by:
  1. accepting donations and inheritances;
  2. public subsidies;
  3. sponsoring;
  4. charging fees for association events;
  5. sales of drinks and food during association events;
  6. Membership fees.

### **Article 4: Membership application**

- (1) All natural persons participating in a study program according to Art. 2 Par. 1 can become members.
- (2) Membership is gained by application. The Board can decline an application within two weeks. The application has to be in writing and in one’s own name.

#### **Article 5: Termination of memberships**

- (1) Memberships end by resignation, expulsion, death or if requirements according to Art. 4 Par. 1 are no longer fulfilled.
- (2) Members can resign any time. The president needs to be informed in writing about the resignation.
- (3) Members can be expelled by the Board in case of grave violations of the membership obligations.

#### **Article 6: Rights and obligations of members**

- (1) Members have the right to attend all the association's events, subject to a possible restriction of attendance and the right to use the association's property, subject to possible specific usage regulation.
- (2) Members are obliged to omit all actions that could negatively affect the reputation of the association. They have to adhere to the constitution of the association and decisions of the association's organs. Members shall adhere to basic rules of conduct and shall treat each other with respect.
- (3) For members' active and passive right to vote please refer to Art. 8 Par. 2 and Art. 12 Par. 2.

#### **Article 7: Organs of the association**

Organs of the association are the General Assembly, the Board, Auditors and the Court of Arbitration.

#### **Article 8: General Assembly**

- (1) The General Assembly is the "Mitgliederversammlung" (assembly of all members) according to the Vereinsgesetz 2002. It takes place at least once a business year.
- (2) All members have the right to participate and vote in the General Assembly. Each member has one vote. A vote can be transferred in writing to another member enlisted in the same study program. A restriction of the number of votes that can be transferred can be established in the Rules of Procedure.
- (3) Decisions, except those calling for a General Assembly, can only be made on topics covered in the agenda. The agenda has to be announced to all members in writing or by e-mail 3 days before the General Assembly at the latest.
- (4) The president is chairing the General Assembly. In case of his absence, he is substituted by the vice president. In case the latter is absent as well, the treasurer acts as substitute, who in turn is substituted by the secretary in case of his absence.
- (5) At the request of at least 10% of the members, a general assembly has to be organized in due time.

#### **Article 9: Tasks of the General Assembly**

The following tasks are reserved for the General Assembly:

1. election and impeachment of the members of the Presidium;
2. election and impeachment of Auditors;
3. authorization of legal transactions between members of the Board or Auditors and the association;
4. authorization of the annual budget;
5. acceptance of the activity report;
6. acceptance of the accounting report after a hearing of the Auditors;
7. discharge of the Board;
8. decisions on changes to the constitution or the voluntary dissolution of the association.

#### **Article 10: Decision making of the General Assembly**

- (1) The General Assembly can take decisions regardless of the number of members present. For the dissolution of the association a participation quorum of 1/3 of all members is needed.
- (2) The General Assembly passes decisions by single majority of all valid votes cast.
- (3) Changes to the constitution, decisions about the dissolution of the association and the impeachment of members of the Presidium are passed by a two third majority of all valid votes cast. In addition, all valid votes cast by members of each study program must also constitute a two third majority per study program.

### **Article 11: Board**

The Board consists of:

1. the President, the Vice President, the Secretary and the Treasurer (jointly "*Presidium*");
2. and two representatives per class of each study program ("*Course Speakers*"), given they are members of the association. Classes with less than ten participants are also excepted. In case a course speaker is not a member of the association, his position within the Board is void until he becomes a member of the association, this is only true for the duration of his term.

### **Article 12: Election of the Presidium**

- (1) The Presidium is elected by the General Assembly.
- (2) All persons that are members at the time of the election have an active right to vote. All persons that are members two weeks prior to the election and will be members the entire following business year have a passive right to vote.
- (3) The election takes place every business year on May 31th the latest. The term of office starts and ends in line with the business year.
- (4) The term of office ends with the end of the term, resignation, impeachment, end of membership or death.
- (5) In case the office of a member of the Presidium ends prior to the end of term, new elections have to be organized as quickly as possible. The term of the newly elected member of the Presidium starts with the election and ends at the same time as the ongoing business year.
- (6) In case of a President's retirement prior to the end of his term, the Vice President takes over the duties of the President until a new President is elected. The new president's term lasts until the initial end of term of the retired president.

### **Article 13: Elections of the Course Speakers**

- (1) Elections to the Course Speakers are organized by the Presidium.
- (2) If the students in study programs according to § 4 Abs. 1 Z 1, or Z 2 DAK – Gesetz 1996 wish so, this election can simultaneously represent the elections to the "Hörer- und Hörerinnenvertretung" (student representation) according to § 20 Abs. 1 und Abs. 2 DAK – Gesetz 1996.
- (3) All persons studying in a study program at the time of the elections have an active and passive right to vote, independent of whether they are members or not.
- (4) Course speakers of each class are elected by the students of said class.
- (5) Elections have to be held each year, until the 31<sup>st</sup> of October. Election results have to be announced within 7 days at the latest. The term of office begins with the announcement of the election results and ends at the same time as the ongoing business year.
- (7) The Course Speakers of a respective class of each study program can be impeached by the students of that class.
- (8) The term of office ends with the end of the term, resignation, impeachment, end of membership or death.
- (9) In case the office of a Course Speaker ends prior to the end of term, new elections have to be organized. The term of the newly elected Course Speaker starts with the election and ends at the same time as the ongoing business year.

### **Article 14: Tasks of the Board; management of the association**

- (1) The Board manages all tasks of the association, unless specific tasks are explicitly assigned to another organ. This specifically includes:
  1. denial and expulsion of members;
  2. preparation of an annual budget and an accounting report;
  3. preparation of an activity report;
  4. preparation and convocation of a General Assembly;
  5. decisions on Rules of Procedure;
  6. the execution of all duties provided for by the Constitution.
- (2) Legal transactions between Board members and the association need to be authorized by the General Assembly.

#### **Article 15: Board decision making**

- (1) The Board is entitled to make decisions if at least two members of the Presidium are present physically and at least one Course Speaker per class of each Study Program is present physically or by delegation of voting rights. Should one or both course speakers of a class not be members of the association, the board is nonetheless empowered to take decisions.
- (2) If not all Board positions are filled and the Board can therefore not take decisions according to Par. 1, the Presidium is entitled to take decisions. Changes of the Rules of Procedure and decisions with financial implications, except for those covered by dedicated budgets of the Presidium are excluded from this provision. Par. 1, 2<sup>nd</sup> sentence shall be applied mutatis mutandis. All decisions need to be presented to the Board once provisions in Par. 1 are fulfilled again. Should at least one Board member wish so, these decisions shall be put to vote again.
- (3) Each Board member has one vote. The vote can be delegated in writing to another board member. Only one vote can be delegated to each Board member.
- (4) Decisions are taken by simple majority. Stricter rules can be laid down in the Rules of Procedure for specific decisions. Should all members of the Board agree, decision can also be taken in a tacit acceptance procedure. Decisions on accepting or changing the Rules of Procedure are taken unanimously.

#### **Artikel 16: Representing the association**

- (1) The association is represented jointly by the President and the Treasurer (joint agency). In case one of them is prevented for any reason, any of the two can be substituted by the Vice President. If both are prevented, they can be substituted by the Vice President jointly with the Secretary.
- (2) Jointly, the President and the Treasurer can issue a written power of attorney.

#### **Article 17: Auditors**

- (1) The association has two Auditors. They are appointed by the General Assembly for the duration of four years. Reelection is possible. Auditors may not be part of any organ of the association, except for the General Assembly.
- (2) The Auditors review the financial actions of the association concerning the accuracy of the accounting and whether funds are used according to the Constitution.
- (3) Legal transactions between the Auditors and the association need to be authorized by the General Assembly.

#### **Article 18: Court of Arbitration**

- (1) Any disputes arising from the association shall be settled before the Court of Arbitration. This organ is not a "Schiedsgericht" (court of arbitration) according to §§ 577ff. ZPO.
- (2) The Court of Arbitration consists of three association members.
- (3) After having heard all parties to the dispute with all members involved present, the Court of Arbitration decides by simple majority. Within the association, the court's decisions are final.

#### **Article 19: Voluntary dissolution of the association**

- (1) The General Assembly can decide the voluntary dissolution of the association (Art. 9 No. 8).
- (2) The last Board has to announce the voluntary dissolution to the competent authority (Vereinsbehörde) within four weeks after the decision has been taken.
- (3) In case assets of the association exist at the time of the dissolution, the General Assembly decides on their liquidation and use. Specifically, the General Assembly has to appoint a liquidator and decide to whom all assets, remaining after having covered all the liabilities, shall be transferred.
- (4) The remaining assets have to be transferred to an organization with a similar purpose.

#### **Article 20: Terms of the Rules of Procedure**

- (1) The provisions of this Constitution are detailed in a Rules of Procedure document. These Rules of Procedures can also include additional provisions.
- (2) The Rules of Procedure are decided by the Board (Art. 15 Par. 4).

**Article 21: Place of Jurisdiction**

The place of jurisdiction for all disputes concerning the association is exclusively the court geographically and factually responsible for the fourth district (postal code 1040) of Vienna.