

## **Rules of Procedure of the Ethics Committee<sup>1</sup>**

(Decision of the Ethics Committee of 10.11.2022; decision of the Senate of 14.12.2022 and of the Rectorate of 31.01.2023)

### **§ 1. General**

- (1) These Rules of Procedure apply to the Ethics Committee established in accordance with the BOKU Statutes.
- (2) The tasks, the composition and the procedures guiding the Ethics Committee result from §§ 13a to 13g of the BOKU Statutes. These provisions are supplemented by the present Rules of Procedure (§ 13a (9) BOKU Statutes).
- (3) The Ethics Committee issues ethics statements on the following types of research projects:
  1. research projects involving human subjects: for example, research (e.g. interviews, surveys, eye tracking, video observations) which could potentially infringe the rights (e.g. right to privacy, personal rights), the safety and well-being of human participants (e.g. physical or psychological integrity), or could affect their interests.
  2. research projects involving animals: for example, studies in which vertebrates are used in a way that goes beyond mere observation or medical care, or when they could be significantly affected by interventions in the ecosystem.
  3. The Ethics Committee does not address research projects involving animal experiments, as these are subject to legal approval according to the Animal Testing Act 2012 (Tierversuchsgesetz or TVG 2012), or research with animals which require other legal approval.

### **§ 2. Members of the Ethics Committee**

- (1) The term of office of the Ethics Committee is 4 years.
- (2) The Ethics Committee consists of 12 members.
- (3) At least 8 members must have a *venia docendi* (habilitation).
- (4) Preferably, one member is appointed from each of the following subject areas:
  1. Ethics / Philosophy
  2. Hydrobiology / Wildlife biology
  3. Life Sciences / Biotechnology
  4. Natural Sciences / Technology / Planning Sciences
  5. Livestock Husbandry
  6. Animal Welfare Sciences
  7. Law
  8. Economics and Social Sciences
  9. Agricultural Crop Sciences

These nine members should preferably be members of the University of Natural Resources and Life Sciences, Vienna. They are proposed by the concerned departments and appointed by agreement between the Rectorate and the Senate.

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<sup>1</sup> The only binding version of these procedures is the German version, as published in the [Official Journal of the University on 2.2.2023](#)

- (5) The Rectorate, the Senate and the University Council each appoint one further member. These members do not have to be members of the University of Natural Resources and Life Sciences, Vienna.
- (6) For each member a substitute member is appointed in the same way. The substitute members have a right to attend all meetings and to table motions. They are invited to all meetings in an advisory capacity.
- (7) When appointing the members, attention shall be paid to a gender-balanced composition.
- (8) The appointment of members and substitute members is valid for the respective term of office of the Ethics Committee. The reappointment for several – including consecutive – terms of office is possible.
- (9) A member or substitute member may resign at any time before the end of the term of office by submitting a written or electronic declaration to the Chair. If a member or a substitute member resigns prematurely, a new member or substitute member is appointed for this member or substitute member for the remaining term of office.
- (10) The members and substitute members of the Ethics Committee work independently. In their function as members of the Ethics Committee, they are free from instructions.
- (11) The members and substitute members are required to maintain secrecy about all information that has become known to them or has been entrusted to them in connection with their function as a member or substitute member of the Ethics Committee.

### **§ 3. Persons providing information**

- (1) The Ethics Committee can invite persons to provide information during its deliberations, either for individual agenda items or for the entire meeting.
- (2) Each member as well as each substitute member of the Ethics Committee has the right to request the Chair to invite persons providing information.
- (3) For persons providing information, § 2 (11) on confidentiality applies accordingly.

### **§ 4. Constituting meeting, chairperson, chairing of meetings**

- (1) At the constituting meeting, the chairperson is elected by secret personal ballot. The election of one or more deputies takes place by secret personal ballot at the latest in the second meeting.
- (2) The constituting meeting is convened by the previous chairperson, who chairs the meeting until the election of the new Chair. If the chairperson retires prematurely, she\*he convenes the next meeting and chairs it until the election of the new Chair. In the event that the previous chairperson is prevented from attending the meeting, the rules of representation according to § 4 (3) shall apply.
- (3) The Chair is responsible for the management of the Ethics Committee. The tasks of the Chair are carried out by her\*his deputies if she\*he is prevented from doing so. If they are also prevented, the oldest member of the Ethics Committee present takes the chair.
- (4) The Chair opens, conducts and closes the meeting. She\*he ensures that the Rules of Procedure are observed, that a quorum is present, and that peace and order are maintained. She\*he announces which votes have been delegated and which substitute members are entitled to vote. The Chair may interrupt the meeting at any time.
- (5) The Chair puts to the vote the approval of the minutes of the previous meetings or any objections thereto. Objections to the minutes shall be announced to the members at the latest at the beginning of the meeting.
- (6) The Chair opens the proceedings on each item on the agenda. She\*he gives the floor to the member or substitute member who nominated the item for the agenda or to a member nominated by her\*him, opens the discussion, puts the motions to the vote and announces the result thereof.

- (7) The Chair or a deputy chairperson may be dismissed if she\*he has grossly violated or neglected her\*his duties or is no longer able to fulfil her\*his duties and the relevant motion was already on the agenda when the meeting was convened.
- (8) The dismissal of the Chair or a deputy chairperson of the Ethics Committee is carried out by secret and personal ballot and requires a two-thirds majority. After the dismissal, a new election of the (deputy) chairperson is held as soon as possible by the (deputy) chairperson who remains in office. § 4 (3) applies accordingly.

#### **§ 5. Appeal to the Ethics Committee**

- (1) The Ethics Committee may only act upon an application that states the reason for application and which is submitted by a member of the university who is planning or carrying out a research project that falls within the scope of § 1 (2). For data collected from 1.1.2023 onwards, the application needs to be submitted early enough so that the ethics statement can be issued before data collection begins.
- (2) The application needs to state the reason for requesting ethical approval by the Ethics Committee, e.g. following the request of a funding body or of a publication medium.
- (3) The application to the Ethics Committee shall be submitted electronically with all required documents (see § 6) to the office of the Ethics Committee at least two weeks before the date of the next meeting. All complete applications submitted in due time will be discussed at the following meeting. If further information is required about the application, an ethics statement will be issued at a later date.
- (4) In the case of research projects to be carried out within the framework of diploma or master theses, the supervisors or the Dean of Studies may apply for an ethics statement from the Ethics Committee. The application shall be made before the topic is approved and shall state the reason for requesting ethical approval.
- (5) In the case of research projects that are carried out within the framework of doctoral theses, the supervisors or the Dean of Studies as well as the researchers themselves may apply for an ethics statement from the Ethics Committee. The application shall be submitted before the dissertation agreement is finalized and shall state the reason for requesting ethical approval.
- (6) If, after approval of a Master thesis, diploma thesis or doctoral thesis, the need arises for an ethics statement by the Ethics Committee on specific sub-projects, an application stating the reason may be submitted by the supervisor as well as by the student.

#### **§ 6. Required documents**

- (1) The application shall be submitted in German or in English together with all documents required for the assessment by the Ethics Committee. When submitting, it shall be stated whether the ethics statement is to be issued in German or in English
- (2) A research plan and documentation of the research project shall be submitted with the application. This must contain statements on the professional qualifications of the scientists involved in the research project, the objective of the study, the methods used and the funding of the project.
- (3) Special reference shall be made to all circumstances relevant to ethical justifiability within the meaning of § 10 (1).
- (4) In the case of research projects involving humans, the possible risks for participants and the planned measures to minimize the risks shall be detailed.
- (5) In the case of research projects involving animals, possible risks to animal welfare as well as the planned measures to minimize risks and negative effects shall be detailed. It shall also be described to what extent the planned use of animals does not require approval under the Animal Testing Act or other legal requirements (§ 1 (3) 3.).
- (6) Possible conflicts of interest of participating scientists must be disclosed.

- (7) Furthermore, the application has to contain rules for the suspension or early termination of the research project, for any compensation of study participants and for ensuring the protection of personal data.
- (8) The Ethics Committee may request further information to specify the research project.

### **§ 7. Convening of meetings**

- (1) Meetings are normally held once a month. There are no meetings in February, July and August. The meeting dates are set in March for the entire coming academic year. The dates are published on the website of the Ethics Committee.
- (2) The Ethics Committee is convened by the Chair.
- (3) Meetings are convened by e-mail. The e-mail is sent to the members and substitute members at least one week before the meeting and contains details of the place and time as well as an agenda. All essential documents are made available with that e-mail.
- (4) The meetings of the Ethics Committee are held face-to-face or using the means of electronic communication via an online conference tool. In the case of meetings via online conference tool, the camera shall be switched on at least at the opening of the meeting and during voting, thus allowing to clearly identify the members and to reliably determine that the decision requirements are fulfilled.
- (5) If a member is prevented from attending a meeting, this shall be notified by e-mail to the office of the Ethics Committee. As a rule, a member is represented by her\*his substitute member if she\*he is prevented from attending the meeting. If both the member and the substitute member are prevented, the prevented member may transfer her\*his vote to another member or substitute member. This delegation of vote shall be notified by the member to the office by e-mail. No member or substitute member may hold more than two votes.
- (6) The meetings of the Ethics Committee are not public. Apart from the members, the substitute members and the persons entrusted with keeping the minutes, only invited persons providing information may attend the meetings of the Ethics Committee.

### **§ 8. Agenda**

- (1) The agenda is drawn up by the Chair. It shall in always include:
  1. opening, ascertainment of attendance, proper convening and quorum, ascertainment of proxies and voting transfers
  2. appointment of a person in charge of taking the minutes
  3. including items in the agenda that were submitted late, reordering of agenda items, approval of the agenda
  4. approval of minutes from the previous meeting
  5. and as the last item "Any other business".
- (2) Each member as well as each substitute member has the right to submit additional agenda items to the Chair until one week before the meeting.

### **§ 9. Conflicts of interest**

- (1) Members or substitute members who have a conflict of interest shall leave the meeting for the duration of the discussion on the matter and may not participate in the vote. The member who has a conflict of interest shall be represented by the respective substitute member. If the substitute member also has a conflict of interest, the vote may be transferred to another member or substitute member present.
- (2) A member or substitute member is considered to have a conflict of interest in particular if she\*he is involved in the project that is being assessed.

- (3) A member or substitute member also has a conflict of interest in matters in which she\*he or one of her\*his relatives<sup>2</sup> is involved; as well as if there are other important reasons that are suitable to cast doubt on her\*his full impartiality (§7 (1) AVG 1991).
- (4) If the Chair has a conflict of interest, she\*he shall be represented in this function in accordance with § 4 (3). Her\*his vote shall be transferred to the substitute member.
- (5) If a member, a voting substitute member or the Chair denies her\*his conflict of interest, a secret ballot shall be passed (§ 12 (4)).

#### **§ 10. Handling the applications**

- (1) Ethics Committee shall determine whether a submitted research project is subject to the Animal Testing Act or other legal approval requirements (see § 1 (3) 3.), and will inform the applicant accordingly.
- (2) Insofar as the research project is within the remits of the Ethics Committee, it shall issue a statement. The ethics statement shall assess whether the protection of the rights, safety and well-being of the study participants and researchers is adequately ensured during the implementation of the research project. If animals are used, it shall assess whether the requirements of animal welfare law are adequately implemented. In the case of interventions in the ecosystem, it must assess whether the welfare of the animals that may be significantly affected is adequately safeguarded.
- (3) A decision on a submitted application requires the presence of at least 6 voting members and a simple majority of the votes cast. In the event of a tie, the Chair has the casting vote.
- (4) Any objections to the research project shall be specified and substantiated.
- (5) Members of the Ethics Committee who are outvoted can state the reasons for their dissenting opinion in a special vote; this shall be attached to the statement. A special vote shall be registered at the meeting. This special vote must be submitted to the Chair by e-mail no later than seven days after the meeting. If a registered special vote is not submitted by this time, it shall be considered withdrawn.
- (6) If, during the deliberations of the Ethics Committee, any concerns arise which could lead to a negative assessment of the research project within the meaning of § 10 (2), the applicant shall be informed, stating the relevant reasons, and given the opportunity to provide written or oral explanations. If the ethical concerns cannot be dispelled, the Ethics Committee enables the applicant to amend the research project accordingly or to withdraw the application.
- (7) The ethics statement of the Ethics Committee shall be communicated to the applicant or to the persons concerned pursuant to § 5 (4), (5) and (6) within two weeks after the meeting in which the statement was adopted.

#### **§ 11. Resubmission**

- (1) At the initiative of the applicant, a research project which has already been positively assessed is referred back to the Ethics Committee if
  - a. the implementation deviates from the research plan or from the other submitted documents in a way that may have an impact on the assessment according to §10 (2) or
  - b. unexpected adverse consequences occur for the humans or animals involved in the project according to § 1 (3).
- (2) In such cases, the Ethics Committee may request the submission of the documents necessary for its ethics statement.

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<sup>2</sup> According to §36a AVG, relatives are: spouses; relatives in the direct line and relatives in the second, third and fourth degree in the collateral line; relatives by marriage in the direct line and relatives by marriage in the second degree in the collateral line; parents by choice and children by choice and foster parents and foster children; persons living together in a life partnership, as well as children and grandchildren of one of these persons in relation to the other person; and the registered partner. It should be noted that a person's status as a relative established by marriage, cohabitation or registered partnership remains valid even if the marriage, cohabitation or registered partnership no longer exists.

## **§ 12. Voting procedure**

- (1) Before the vote, a member or substitute member repeats the application made. The Chair refers to particular voting requirements.
- (2) In the case of a face-to-face meeting, voting is usually by a show of hands. In the case of a meeting held via an online conference tool, voting is usually by means of an online tool. For each vote, the number of votes cast for or against the motion as well as the number of abstentions is recorded in a separate voting process. Only the overall result is recorded in the minutes.
- (3) Voting is by secret ballot if requested by a voting member.
- (4) Voting on personnel matters is always by secret ballot.
- (5) Ballot papers are used for the secret ballot. The Chair appoints a member to collect and count the ballot papers. In the case of a meeting held via an online conference tool, an online polling tool is used for the secret ballot, ensuring that the vote is anonymous and cannot be traced.

## **§ 13. Voting by circulation procedure**

- (1) The Chair may order a circulation procedure by e-mail on matters which are not expected to require discussion or which, due to their urgency, should be decided before the next meeting. She\*he shall set a reasonable time limit for the casting of votes.
- (2) The e-mail shall contain a reasoned motion, which must be worded in such a way that it can be voted on with "yes" or "no". Abstention from voting is permitted.
- (3) The decision requirements pursuant to § 10 shall also apply to the circulation procedure.
- (4) A circulation procedure shall not be taken if at least two voting members of the Ethics Committee request deliberation or another form of voting.
- (5) The Chair announces the result of a circulation procedure at the next meeting.

## **§ 14. Minutes**

- (1) Minutes are taken of each meeting. They have to be signed by the Chair, the minute keeper and the head of the office of the Ethics Committee.
- (2) The minutes are drawn up by the head of the office of the Ethics Committee or, if she\*he is prevented from doing so, by her\*his deputy.
- (3) The minute keeper is appointed in alphabetical order according to the surname.
- (4) The minutes shall contain: beginning and end of the meeting, all motions and decisions in their full wording including the voting results, if this appears necessary also the essential course of the deliberations, and contributions which the speaker requests to be recorded in the minutes. The minutes include the agenda, the attendance list (including persons providing information), voting transfers, any supplements and explanations as well as special votes. Furthermore, documents brought to the attention of the meeting by the Chair or a person providing information shall be attached to the minutes. In the case of a meeting held via an online conference tool, the attendance figures are taken from the minutes only. In the case of a face-to-face meeting, an attendance list is signed.
- (5) The minutes are prepared immediately after the meeting and made available to the members and substitute members via the protected online area of the BOKU Ethics Committee. All members and substitute members are informed by e-mail that the minutes have been made available for inspection in the protected online area of the BOKU Ethics Committee.

## **§ 15. Office of the Ethics Committee**

- (1) The Rectorate provides the Ethics Committee with adequate resources for the fulfilment of its tasks. This includes, in particular, the establishment of an office and the provision of the Ethics Committee with a budget enabling it to fulfil its tasks.
- (2) The keeping of records and the office business of the Ethics Committee is the responsibility of the Chair, supported by the office. The office is responsible in particular for the formality check of the applications received, the convening and administrative preparation of the meetings, the

keeping of files and minutes, the conduct of any investigations of facts, the issuing of statements, the maintenance of the website of the Ethics Committee, as well as the preparation of the annual report.

- (3) Within the scope of the tasks of the Ethics Committee, the staff member of the office is only bound by the instructions of the Chair of the Ethics Committee. The office of the Ethics Committee is located at the Legal Department of the University of Natural Resources and Life Sciences Vienna, which provides a workplace. There is a cooperation agreement with the Legal Department, in particular to cover peak workloads and staff substitutions in case of absence.
- (4) The Ethics Committee submits an annual written report to the Rectorate, the Senate and the University Council on the requests received in the past year, the ethics statements issued and on any other activities in the period of the past year.

#### **§ 16. Entry into force**

The Rules of Procedure enter into force on the day following their publication in the official journal of the University of Natural Resources and Life Sciences, Vienna (Mitteilungsblatt der Universität für Bodenkultur Wien). Unless an effective date is specified, amendments to the Rules of Procedure also enter into force on the day following their publication in the official journal.

The German version of these Rules of Procedures were published in the Official journal of the University on 2 February 2023.