

Amendment to and reannouncement of the Regulations Governing the Appointment of Professors at the University of Bonn (Appointment Regulations)

Amended document

This amended document outlines the Regulations Governing the Appointment of Professors at the University of Bonn dated November 28, 2018 (Appointment Regulations) as published in the Official Announcements of the University of Bonn, 48th year, No. 44,

amended as follows:

Amendment to the Regulations Governing the Appointment of Professors at the University of Bonn dated June 21, 2019 as published in the Official Announcements of the University of Bonn, 49th year, No. 16.

Amendment to the Regulations Governing the Appointment of Professors at the University of Bonn dated August 21, 2020 as published in the Official Announcements of the University of Bonn, 50th year, No. 32.

This amended document has not been specifically released in the official announcements. Only the said official announcements are legally binding.

Amendment to and reannouncement of the Regulations Governing the Appointment of Professors at the University of Bonn (Appointment Regulations)

dated November 28, 2018

Pursuant to § 2 para. 4 sentence 1, § 22 para. 1 sentence 1 no. 3 and 38 para. 4 sentence 1 of the Higher Education Act of North Rhine-Westphalia (Hochschulgesetz - HG) dated September 16, 2014 (GV. NRW. p. 547), last amended by Article 3 of the Act to Secure the Accreditation of Degree Programs in North Rhine-Westphalia (Gesetz zur Sicherung der Akkreditierung von Studiengängen in Nordrhein-Westfalen) of October 17, 2017 (GV. NRW. p. 806), the University of Bonn has adopted the following Regulations:

§ 1

Scope of application

Upon becoming effective these Regulations shall apply to all procedures for the appointment of professors (appointment procedures) at the University of Bonn. Any ongoing appointment procedures at the point in time when these Regulations become effective shall be governed by the appointment regulations as amended June 6, 2017 (Official Announcements of the University, 47th year, no. 15 dated June 20, 2017).

§ 2

Appointment applications

(1) An appointment procedure is initiated when a faculty files an application with the Rectorate for approval to fill a specific, open professorship position (appointment application). The specific nature and function of the professorship within the faculty's general personnel planning must be outlined in the appointment application, with particular reference to the University Development Plan and to existing and planned resources. The gender equality officer of the faculty is to be involved in the procedure. Section 80 para. 2, sentence 2 of the Higher Education Act applies. A timely decision is required on any submitted application.

(2) The application must be filed promptly so as to allow the faculty's appointment proposal to the Rector per § 10 of these Regulations to meet within the statutory deadlines per § 38 para. 2 HG. When a position will be opening up due to retirement, the corresponding application must be filed two years or more in advance of the individual in question reaching retirement age.

§ 3

Appointment committee

(1) The faculty in question forms an appointment committee for the appointment procedure. The committee members are selected by the faculty council. The faculty notifies the Rectorate of the members of the appointment committee upon filing the appointment application with attached text for the job opening announcement. Any deviation from § 11c HG must be officially recorded in line with § 11c para. 4 HG. The Rectorate may require the faculty to make changes.

(2) The appointment committee drafts the job description for the position to be filled and prepares the appointment proposal. This includes communications directed at suitable candidates, a list of individuals selected to function as reviewers in accordance with § 15 para. 1, the initial pre-selection of candidates and information on organizing and conducting of the selection procedure.

(3) The appointment committee is chaired by the Dean as part of his/her official duties. The Dean may delegate this committee chair responsibility, in which case a university professor on the appointment committee is chosen by the faculty council to serve as chairperson. The chairperson is not entitled to vote.

(4) Appointment committee meetings are non-public, and the committee's work is confidential. The chairperson must bind the members of the appointment committee to uphold confidentiality.

(5) Minutes of the appointment committee meetings are kept documenting the principal outcomes of the meetings.

§ 4

Composition of the appointment committee

(1) The appointment committee must be comprised by at least one member representing the respective groups per § 11 para. 1 sentence 1 nos. 1, 2 and 4 HG. The appointment committee may additionally appoint one or more non-voting members representing the group 'technical and administrative staff'. For groups entitled to representation by only one member per the allocation made by the faculty council, the deputies can additionally attend meetings as non-voting members. The university professors on the committee must hold a voting majority. The faculty council separately appoints members by group, in accordance with § 11c HG. The appointment committee is to be constituted in part by individuals unaffiliated with the University. Unaffiliated committee members who are university professors are voting-entitled. If the appointment committee is formed to fill an open tenure-track professorship, at least two voting members of the faculty's tenure track committee who are university professors must be named to the appointment committee. The provisions per § 80 para. 3 HG must be complied with.

(2) University professors who depart the University, leaving an open position, are barred from sitting on the appointment committee formed to fill that position. If filling of a position needs to be accelerated, the former position holder may, on an exceptional basis for valid reasons, function as an advisory member of the appointment committee if that person still has at least five years left in his/her term of employment. On an exceptional basis and for valid reasons to be documented in the minutes, the former position holder may be requested to attend individual committee meetings or address individual agenda items in an advisory capacity. Any active committee member who retires or has a conflict of interest is thereby automatically unseated from the committee and must be replaced by another member selected by the faculty council, in accordance with § 11b HG.

(3) The University gender equality commissioner or the gender equality officer of the respective faculty acting as deputy of the former, as well as a representative of the Office of Disability Resources as applicable, are responsible for attending appointment committee meetings in an advisory role with entitlement to speak and lodge petitions. These individuals are to be summoned to meetings and kept informed just as any other committee member.

(4) The appointment committee has a quorum when 50% of its voting members are present at the committee meeting as long as university professors constitute the majority. In justified exceptional cases, individual committee members may attend committee meetings remotely using audio-visual conferencing technology. This does not apply with regard to § 5 or § 8. The chairperson ascertains whether the committee has a quorum at the start of each meeting and records this in the minutes.

§ 5

Official Representatives for Appointments

(1) The Rectorate selects and appoints a university professor from outside the specific subject area to support the Rectorate in connection with the decision on the appointment application.

(2) This Official Representative for Appointments functions as an advisory member of the appointment committee, attending all committee meetings if possible, and is entitled to review any documents pertinent to the procedure. The Official Representative for Appointments' role is to ensure that the committee's decision is aligned with the strategic objectives of the University and fulfills the criteria set forth in the job advertisement. The Official Representative for Appointments is also responsible for ensuring that the job application procedure is conducted competitively as intended, that there is adequate procedural transparency and that policies for communications with applicants are properly implemented. The Official Representative for Appointments reports to the Rectorate, providing immediate notification in particular of any observed particularities or irregularities of note. In case of an unavoidable delay or other exigency

hindering the Official Representative for Appointments' ability to perform, the Rectorate may appoint a deputy to attend committee meetings in replacement.

§ 6

The job advertisement

(1) As recommended by the faculty, the open position to be filled is to be publicly advertised by the Rectorate – internationally in most cases. The copy text of the job advertisement to be approved by the Rectorate must in particular outline the nature and scope of the duties associated with the position, in alignment with the University Development Plan. The ad copy text must furthermore state:

- the requirements applicants must meet, particularly through their
- research and teaching qualification in accordance with § 36 HG and § 7 of these Regulations
- the pay grade and classification for the position
- the employment start date
- the required documents applicants must submit
- to whose attention applications are to be sent
- the application deadline
- the advisories required under the State Gender Equality Act (Landesgleichstellungsgesetz) and Book IX of Social Code.

(2) Public advertising of the job opening may be omitted in the cases per § 38 para. 1 HG and as per § 13a. The University gender equality commissioner must be notified in advance and his/her opinion must be given hearing.

(3) The application committee may decide by resolution that applications received after the application deadline can still be considered. Such a resolution must be recorded in the minutes.

(4) Regarding appointments within the Faculty of Medicine, § 12 para. 3 applies mutatis mutandis.

§ 7

Selection criteria, conflicts of interest

(1) The appointment committee prepares a catalog of binding criteria to be met to ensure suitable applicant selection in accordance with § 36 para. 1 HG and with the text of the job advertisement. These selection criteria are to be recorded in the minutes.

(2) The selection criteria per paragraph 1 are to be applied in selecting suitable candidates from the pool of applications received. Any person subject to a conflict of interest is excluded from the selection of and voting on individual applications. Sections 20 and 21 of the Administrative Procedure Act for the state of North Rhine-Westphalia (Verwaltungsverfahrensgesetz) and the corresponding recommendations by the German Research Foundation (DFG) apply in determining whether a conflict of interest is in evidence. All appointment committee members are required to voluntarily notify the appointment committee without delay of any circumstances that could call into question his or her impartiality or non-bias.

§ 7a

Equal opportunity, gender equality

(1) The University of Bonn is striving to increase female representation among its professorships as a matter of policy, in line with the equal opportunity requirement per paragraph 2. Female academics are to be actively sought as applicants to the extent they are underrepresented on a gender basis. In the initial appointment committee meeting the Official Representative for Appointments or appointment committee chairperson take formal note of the objective to increase female representation among the professorships on the basis of the relevant gender equality plan.

(2) To meet the gender equality objectives, the faculties determine the gender equality quota per § 37a para. 1 HG separately for specific academic clusters, in coordination with the University gender equality commissioner. The faculties may form academic clusters out of individual departments on either the individual institute level, or on the level of individual departments represented within an academic cluster as applicable. Central research units are assigned to the faculty cluster which they are most closely associated with by virtue of their respective research content. The academic clusters are to be formed in such manner as to avoid undermining the gender equality objective.

(3) The statistical population per § 37a para. 1 HG to which the gender equality quota is to apply was determined in coordination with the Deans and with the involvement of the University gender equality commissioner, taking the differing qualification backgrounds in the individual academic disciplines into particular consideration.

(4) The Rectorate adopts the gender equality quotas for the academic clusters by resolution for a period of three years, typically, in agreement with the Deans and with the involvement of the University gender equality commissioner. The resolution is to be published in the Gazette section of the Official Announcements of the University of Bonn.

§ 8

Candidate presentation

(1) In accordance with § 7, suitable candidates are to hold a public lecture to be attended by students as well in which they simultaneously present themselves to the appointment committee. The purpose of this lecture is to enable the committee to gauge the candidate's teaching and research credentials. Opportunity is to be given within the lecture to discuss with the candidate. Separate presentations may be required to facilitate gauging candidates' teaching and research credentials respectively.

(2) The lecture/s will be announced by signage.

(3) Following the lecture/s the applicant is to speak before the appointment committee in a non-public session.

§ 9

Assessment reviews

(1) At least two comparative assessment reviews must be obtained for suitable candidates, in accordance with § 8; § 15 para. 1 remains unaffected. The reviewers must base their review on the selection criteria stipulated under § 7 para. 1. The list of candidates given to reviewers does not indicate any order of preference for filling the position. Candidates who do not hold the post-doctoral habilitation qualification are to be assessed as to the equivalency of their qualifications. To this end, reviewers who are unfamiliar with the German habilitation criteria are to be given a corresponding info sheet prepared by the University.

(2) The appointment committee appoints external academics to function as reviewer. Reviewers from other countries are to be involved when doing so appears advisable in view of the academic profile of the

professorship position in question or if required by a grant funding provider. Individuals who have a conflict of interest are barred from being appointed as reviewer; § 7 para. 2 sentences 3 and 4 apply accordingly.

(3) The assessment reviews are to be prepared in a timely manner.

§ 10 Appointment proposals

(1) The appointment committee is to prepare a justified appointment proposal on the basis of the results of the selection procedure. The appointment proposal document is to contain three individual proposals in order of preference and a written statement by the University gender equality commissioner (or gender equality officer of the respective faculty as applicable) regarding the course of the procedure. The reviewer assessments are to be attached to the appointment proposal document. If the appointment proposal does not include a female, the committee's efforts to attract female academics must be specifically outlined, stating the reasons for such non-inclusion.

(2) The appointment proposal is to be submitted to the faculty council for decision. Faculty council members are to be given opportunity to read the attachments referred to in paragraph 1. The faculty members representing the university professors as a group are entitled to non-voting participation in the faculty council's decision-making process, in accordance with § 28 para. 5 HG.

(3) If the faculty council does not approve the appointment proposal advanced by the appointment committee, the council may return the rejected proposal to the appointment committee for further consideration on a one-time basis. The faculty council may deviate from the given sequence in its decision-making, or send a proposal to the Rectorate that the position should be re-advertised. The reasons for the faculty council's decision in a given procedure are to be outlined.

§ 11 Involvement of the Senate

The Senate expresses its opinion on the appointment proposal by way of a vote. The Rectorate must specify the reasons in writing in the event the appointment does not accord with the Senate's vote. In the cases per § 38 para. 1 sentence 3 no. 3 HG an opinion is not obtained as long as no special voting took place in the appointment procedure, but these cases must be reported, outlining the urgent reasons involved.

§ 12 Granting of the appointment

(1) The Rector decides which candidate/s if any are to be appointed or to request a different proposal from the faculty, generally within one month of receipt of the appointment proposal with the decisions of the appointment committee and faculty council attached, outlining their reasons. The reviewer assessments, a written opinion from the University gender equality commissioner (or gender equality officer of the respective faculty as applicable) on the course of the procedure and the opinion of the Senate are also to be attached, as well as the opinion of the Committee for Special Appointments, as applicable. The Rector may only deviate from the sequence set forth in the appointment proposal in justified cases. The Rector may obtain additional reviewer assessments for the decisions to be made per sentences 1 and 2. Section 14, para. 7 of the Constitution of the University remains unaffected.

(2) The approval of the respective church must be obtained via the Ministry prior to any professorial appointment to the faculties of Protestant or Catholic Theology, in line with § 80 para. 2 sentence 1 HG.

(3) Appointment procedure decisions for the Faculty of Medicine are made in coordination with the University Hospital if the appointment concerns public health and the provision of healthcare services. In accordance with § 31 para. 1 sentence 3 HG, a proposal may only be rejected given justified doubts as to the suitability of the proposed candidate for the position of responsibility to be assumed at the University Hospital.

(4) In the cases per § 37 para. 1 sentence 3 HG an appointment may be made without a proposal from the faculty. The faculty must be consulted in advance if the Rector intends to deviate from the sequence defined in the appointment proposal or make an appointment without a faculty proposal.

(5) The Rector issues the appointment to the winning candidate.

(6) Upon conclusion of an appointment procedure and acceptance of the appointment, the other candidates are to be notified without delay of the upcoming appointment of the winning individual by the Dean. This notification letter must state the legal advisory that a temporary injunction may be filed two weeks or more in advance.

§ 13

Joint appointments

(1) Joint appointments together with non-university research organizations and alliances are permitted if and as provided for in corresponding collaboration agreements.

(2) Two appointment committees are to be formed for such purpose, which hold joint meetings primarily. The committee formed by the University of Bonn is governed by these appointment regulations, while the committee formed by the research institute or alliance is governed by its own applicable regulations. Individuals affiliated with the University are prohibited from sitting on both committees as a voting member. The two institutions are to coordinate the copy text for the job advertisement. The text of the job advertisement must state that a joint appointment is concerned. Applications are to be sent to the University of Bonn. Upon elapse of the application deadline the applications received and all attached documents are to be forwarded to the two committees for development of a joint appointment proposal. The appointment proposal is then subject to approval by the responsible committees of the non-university organization.

(3) The collaboration agreements per paragraph 1 may provide for the formation of a joint appointment committee. The composition of this joint appointment committee must conform with § 4 para. 1 and § 11c HG. The number of committee members is determined by the faculty council. The committee must be constituted 50% of faculty members and 50% of members of the non-university research organization, with equal voting rights. Individuals associated with both the University of Bonn and the non-university research organization may only represent one of the two institutions as a member of the joint appointment committee. The non-university research organization furthermore may only propose students of the University of Bonn as student body representatives. Section 3 para. 3 applies mutatis mutandis regarding the committee chair. The joint appointment committee must be constituted so that the majority of voting members are university professors. Paragraph 2 furthermore applies accordingly.

§ 13a

Extraordinary appointment procedures

(1) Superseding the above, an extraordinary appointment procedure may be conducted if the faculty is undergoing a fundamental restructuring or efforts are underway to recruit outstanding professors of

international stature who have demonstrably had a major impact and influence on their field of expertise in a move to establish, maintain and/or strengthen a particular academic focus area.

(2) An extraordinary appointment procedure is opened by a Rectorate decision in coordination with or at the request of the faculty concerned. The University gender equality commissioner (or gender equality officer of the respective faculty as applicable) is to be given opportunity to become involved at an early stage.

(3) Rectorate and the faculty structure the selection procedure by mutual agreement.

(4) An extraordinary appointment procedure may also be conducted if an academic is to be appointed jointly with a research organization (Fraunhofer-Gesellschaft, Helmholtz-Gemeinschaft, Max-Planck-Gesellschaft, Leibniz-Gemeinschaft, etc.) as part of the Excellence Strategy, if the professorship concerned is third-party funded or if an academic has been selected in a highly competitive procedure for a professorship position advertised by a research funding organization under a grant program for individuals who qualify for hiring as university professors.

(5) For appointments in extraordinary appointment procedures, the Committee for Special Appointments is to be promptly involved to make a recommendation to the Rectorate.

§ 14

Tenure-track professorships

(1) All faculties are empowered to conduct tenure track procedures in suitable cases. Tenure track professorships possibilities for individuals with non-traditional backgrounds are provided for under laws governing the higher education system.

(2) The tenure track is designed as a means to attract and retain academics of the highest distinction. Upon receiving favorable interim and final evaluations, a tenure track professor becomes a tenured professor, meaning that s/he then has a non-expiring contract of permanent employment. Regarding specifics pertinent to interim and final evaluations see the Regulations Governing Interim and Final Evaluations of Tenure-Track Professors at the University of Bonn (Tenure Track Regulations). Tenure track professorships come with appropriate resources. Tenure track professors have autonomous responsibility for fulfilling their research and teaching responsibilities.

§ 14a

General tenure track procedures

(1) A request must be filed with the Rectorate for approval of a tenure track professorship position, providing documentation of an available tenure track position. The University Tenure Track Committee to be formed pursuant to § 4 of the Tenure Track Regulations and the University gender equality commissioner also have to be notified thereof. The tenure track professorship has to be approved by the Rectorate.

(2) The requesting faculty is responsible for providing secure permanent financing for the respective tenure track professorship for the event he/she is approved after the final evaluation.

(3) The tenure track professorship position must be advertised internationally, as a rule. The respective criteria for the interim and final evaluations must be disclosed to applicants simultaneous with release of the job advertisement. The job advertisement must contain the express advisory that the position is a

tenure track position and that the granting of tenure is not conditional upon position availability. The job advertisement must furthermore state that the position is temporary, initially.

(4) Applicants for an advertised tenure track professorship may be internal employees of the University or external and unaffiliated. Section 37 para. 2 HG must be complied with for internal applications.

(5) The faculty formally adopts a list of potential individuals to fill a tenure track professorship position as proposed by the appointment committee, in line with § 10 paragraphs 2 and 3.

§ 15

Internal appointments

(1) Internal appointments are only allowed under the conditions per § 37 para. 2 HG. An internal appointment is initiated by the Dean filing a corresponding request with the Committee for Special Appointments (§ 17) if after completion of the candidate presentation per § 8 the internal applicant is likely to be included in the faculty's appointment proposal.

(2) Three comparative international assessment reviews must be obtained (two for the liberal arts). The Committee for Special Appointments decides which individuals to appoint as reviewer. The appointment committee may propose individuals. Internal appointments are only permitted if the internal applicant proves to be the most suitable candidate in view of the comparative reviews obtained considering the other candidates.

(3) The permissibility of an internal appointment is decided by the Rectorate.

§ 16

Conversion from temporary to permanent employment

(1) Professors holding a temporary, non-tenure-track position may be granted a permanent contract as outlined below.

(2) If the permanent professorship position in question is publicly advertised, the same regulations apply for conversion of temporary into permanent employment as for internal appointments.

(3) If the position in question is not publicly advertised, the regulations for final evaluations in tenure track procedures apply mutatis mutandis.

§ 17

Committee for Special Appointments

(1) The University has formed a standing Committee for Special Appointments to oversee appointments to tenure-track professorship positions, internal appointments, conversions of temporary into permanent employment contracts and extraordinary appointment procedures, in accordance with § 11c HG. The Committee is formed by the Rectorate in consultation with the Deans and is led by the Vice Rector for Research and Innovation. All faculties of the University should be represented on the Committee. The Vice Rector for Study Offerings and Teaching holds an advisory seat on the Committee. A member of a faculty tenure track committee cannot simultaneously be a member of the Committee for Special Appointments. The Committee is responsible for ensuring compliance with university-wide procedural and quality standards. In the cases per § 13a - 16 the faculties forward their selection decisions and appointment and

contract conversion proposals with all attachments to the Committee via the responsible Section of the University administration. The Committee then promptly discusses these and issues a recommendation accordingly to the Rector.

(2) For professor retention the Rector may on an exceptional basis decide without the involvement of the Committee for Special Appointments, in coordination with the responsible Dean.

§ 18 **Data protection**

Application documents and personal data collected in the course of the procedure are confidential and subject to the data protection laws of the state of North Rhine-Westphalia and the EU General Data Protection Regulation (EU) 2016/679. These documents may only be made accessible to third parties as necessary for the fulfillment of their responsibilities and as permitted under data protection laws. Applicants' application data must be erased upon appointment of the new position holder with final legal effect.

§ 19 **Assistant professorships**

(1) These appointment regulations apply mutatis mutandis to assistant professor positions.

(2) Assistant professors undergo an interim evaluation comprising part of the tenure track procedure during their third year of service, in accordance with the tenure track regulations. The Rectorate is to be notified of the result of this evaluation and be sent the corresponding documents. The purpose of the interim evaluation is to determine whether the assistant professor has met the performance expectations for teaching on the university level. Section 39 para. 5 sentences 2 and 3 HG remain thereby unaffected.

§ 20 **Associate professorship position**

These appointment regulations apply mutatis mutandis regarding the filling of associate professorship (*Hochschuldozent*) positions within the meaning of § 35 para. 4 HG.

§ 21 **Central appointment procedures**

These appointment regulations apply mutatis mutandis for the filling of professorship positions which are connected with the Bonn Center for Teacher Education (BZL) or not connected with any faculty. These Regulations furthermore apply mutatis mutandis for the filling of professorship positions connected with a Center of Excellence or a Transdisciplinary Research Area (TRA). The Rectorate forms the respective appointment committee and the composition thereof in accordance with the relevant Center statutes adopted by the Rectorate and conducts the appointment procedure with the involvement of the relevant faculties.

§ 22

Concluding provisions

(1) These Regulations do not affect agreements in place between the Protestant and Catholic Churches and the state of North Rhine-Westphalia governing the filling of professorship positions.

(2) These Regulations shall enter into force on the day after the date of their publication in the Official Announcements of the University of Bonn.

R. Hüttemann

Chairperson of the Senate
of the University of Bonn
University Professor Dr. Rainer Hüttemann

Prepared on the basis of the University of Bonn Senate resolution of November 8, 2018.

Bonn, November 28, 2018

M. Hoch

The Rector
of the University of Bonn
University Professor Dr. Dr. h.c. Michael Hoch