

## **Procedural Regulations for Appointing Professors and Assistant Professors (Appointment Regulations) at Technische Universität Braunschweig**

According to § 41(1) sentence 1 of the Lower Saxony Higher Education Act (*Niedersächsisches Hochschulgesetz, NHG*), upon the suggestion of the Executive Committee the Senate passed the following Procedural Regulations for Appointing Professors and Assistant Professors (Appointment Regulations) on January 16, 2019, based on Secs. 26 and 30 of the NHG in the version from February 26, 2007 (Lower Saxony Law Gazette p. 69), last amended by Article 4 of the Act from June 15, 2017 (Lower Saxony Law Gazette p. 172).

### **Preamble**

A procedure that includes quality assurance to select and appoint professors at TU Braunschweig is meant to open up an attractive academic perspective for the selected researchers' outstanding research and teaching. This selection is highly important for the prospects for Technische Universität Braunschweig's future development and international competitiveness and thus for its success. In the selection process, the principles of choosing the best of the best, transparency and equal opportunities are to be especially considered in this process. These Regulations must also be applied for joint appointment procedures with non-university facilities.

### **§ 1 Area of Applicability, Definitions and Responsibilities**

- (1) These Regulations govern the procedure for appointing professors and assistant professors. Appointments or selections with a tenure-track option are governed by the Tenure-Track Regulations from August 31, 2018, in the respectively valid version.
- (2) Appointment procedures refer to the procedure to fill vacant professorships. Selection procedures refer to the procedure to fill vacant assistant professorships.
- (3) These Regulations are legally based on the relevant provisions in the Lower Saxony Higher Education Act (*Niedersächsisches Hochschulgesetz, NHG*) and the Charter of Technische Universität Braunschweig in the respectively valid version.

### **§ 2 Preparing the Appointment or Hiring Procedure**

Based on a draft of the profile paper submitted by the faculty for filling a professorship or assistant professorship on the concentration of that professorship and with a primary focus on the Technische Universität Braunschweig's and its faculties' development plans, the appointment or selection procedure is initiated with a preliminary meeting between the Dean and the President.

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### **§ 3 Procedure for Approval to Fill the Professorship**

- (1) According to a decision by the faculty council, the faculty submits a request for approval to fill the professorship or assistant professorship to the Executive Committee. The required profile paper must describe the focus of the professorship or assistant professorship, how it is integrated into the faculty, a draft of a German and English call for applications, and the planned funding and resources. After the Senate has given its opinion, the Executive Committee decides on the approval to fill the professorship and sends the request to the Ministry of Science and Art (MWK).
- (2) For professorships whose designation corresponds to the joint development plan in the research lines of the Academic Alliance between TU Braunschweig and Leibniz Universität Hannover that was coordinated with the MWK, besides the internal university approval according to § 3(1) of these Regulations, approval must also be given by the board of the Academic Alliance.

### **§ 4 Call for Applications**

- (1) The faculty arranges for the public call for applications for the professorship or assistant professorship. Female researchers must be expressly urged to apply in the call for applications. The call for applications should be given in German and English both within Germany and internationally. The binding legal basis of the appointment process is the German text of the call for applications.
- (2) A call for applications for a professorship does not need to be made if the conditions in § 26(1) sentences 2 and 4 NHG are fulfilled and according to § 10 of these Regulations. A request to waive the requirement for a call for applications is submitted by the faculty council to the Executive Committee together with the request for approval for filling the professorship and a statement from the Equal Opportunities Officer. After the Senate has given its opinion, the Executive Committee decides on the request to waive the requirement for a call for applications in agreement with the University Council.

### **§ 5 Members of the Appointment and Selection Committee**

- (1) To fill professorships, the Faculty Council establishes an appointment committee and to fill assistant professorships a selection committee, each at the latest by the time the Executive Committee takes the decision on the request from the faculty for approval to fill the professorship. The term of office for the appointment or selection committee ends when the appointment has been accepted or the appointment or selection process has been ended for other reasons. The principles of conflict of interests according to § 6 of these Regulations must be observed.
- (2) The composition of the appointment or selection committee requires the agreement of the Executive Committee after consulting the Senate. For this

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purpose, the faculty informs the Executive Committee of the planned composition (if applicable with a statement from the Equal Opportunities Officer) in the request for approval to fill the professorship. If the members of the committee change in the course of the process, the Executive Committee must approve each change.

- (3) According to TU Braunschweig's Charter, the "small appointment committee" is made up of
- three members of the group of professors and
  - one member each from the academic staff, student, and technology and administration groups; the member for the appointment committee is chosen by the member of the respective group in the Faculty Council.

The Faculty Council can also decide on a "large appointment committee." It is made up of

- six members of the group of professors and
  - two members each from the academic staff, student, and technology and administration groups.
- (4) The members from the technology and administration group take part in each of these appointment committees in an advisory role.
- (5) At least two women who are voting members, at least one of whom comes from the group of professors, should be part of a small appointment committee. At least four women who are voting members, at least two of whom come from the group of professors, should be part of a small appointment committee. Upon written request from the faculty, deviations to this may be permitted with the approval of the central Equal Opportunities Officer.
- (6) The selection committee is composed in the same manner as a small appointment committee.
- (7) The Equal Opportunities Officer is an advising member of the committee. Division 1 advises the committee on procedural questions.
- (8) The faculty council can decide that additional members will be a part of the committee in an advising capacity.
- (9) The committee is established under consideration of the following rules:
- (a) At least two voting external professors must be members of the selection committee and the appointment committee.
  - (b) A representative from a neighbouring subject or a representative of another subject from the university should be a member of the appointment or selection committee.
  - (c) Persons who are not members of the university can be advising members in the appointment or selection committee with equivalent qualifications; this applies in particular to persons affiliated with the university, members

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of and those affiliated with other universities and persons who are neither members of nor affiliated with a university.

- (10) The current holder of the professorship may not participate in the appointment or hiring process for her or his own successor. The staff members directly assigned to her or him may not be members of the appointment or selection committee.
- (11) When filling professorships or assistant professorships that are listed in a joint development plan agreed with the Ministry of Science and Art (MWK) in the research lines of the Academic Alliance between TU Braunschweig and Leibniz Universität Hannover, at least one voting member of Leibniz Universität Hannover is to be appointed for the respective selection or appointment committee. These members are external members of the committee.
- (12) University and non-university institutions cooperating with TU Braunschweig in the research lines of the Academic Alliance can send a representative to the selection or appointment committee for relevant assistant professorships or professorships in their research line, and this representative participates in the meetings in an advisory function.
- (13) Advising members of the committee have the right to submit motions and speak and can view application documents.

## **§ 6 Confidentiality and Conflicts of Interest**

- (1) The entire selection procedure is confidential. Each participant who is supported by a staff member is obligated to instruct this person of their duty to maintain confidentiality.
- (2) The members of the appointment or selection committee are to reveal any possible personal and/or professional relationships. These relationships are differentiated according to
  - (a) personal contacts<sup>1</sup> (no professional relationships),
  - (b) reasons for possibly being excluded from the process,<sup>2</sup>
  - (c) reasons for definitely being excluded from the process.<sup>3</sup>
- (3) For this purpose, the chair of the appointment or selection committee hands out the form on conflicts of interest (Appendix 1) at the start of the organisational meeting, and it must be returned at the latest in the session in which the selection of applicants is discussed. If reasons for possibly being excluded are given, then the appointment committee decides on whether there

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<sup>1</sup> Only note whether these exist

<sup>2</sup> e.g. Cooperation including the time periods

<sup>3</sup> e.g. Close family relationships, partnership, working relationship

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is a risk of a conflict of interest due to the duration and intensity of the contacts. The chair of the appointment or selection committee is responsible for these committee members leaving the meeting room when the respective application is discussed and decided on. It must be included in the minutes that the person left the room.

- (4) Whether a committee member must leave the committee entirely depends on which applicants are included on the short list. If an applicant for which a committee member has a definite reason for exclusion is chosen for the short list, then the affected committee member must leave the committee. The member who has left the committee is replaced by another member of the same status group according to the process described in § 5(1) and (2) sentence 3 of these Regulations. The same applies if a conflict of interest is seen for possible reasons for exclusion.

## **§ 7 Tasks of the Appointment and Selection Committee**

- (1) The applications received are sent to the chair of the committee. If there are applications from severely disabled persons or those with an equivalent status, the Representative for the Severely Disabled is included in the appointment or selection process.
- (2) In a preselection process, the committee checks whether the applicants fulfil the hiring requirements for professors according to § 25 NHG or for assistant professors according to § 30 NHG and those requirements listed in the call for applications.
- (3) The candidates on the preselection list created by the committee are invited to the university to introduce themselves at an event. For this event, they give an academic presentation, a demonstration lesson and have a discussion with the committee regarding the profile of requirements. The committee determines the type, duration, level of requirements and topic of the demonstration lesson. When evaluating the demonstration lesson, the opinions of the students is to be considered. The chair of the committee invites university members to the event in an appropriate manner.
- (4) After the event, the committee decides on whether to include the individual applicants on the final list of candidates. The committee documents and gives reasons for its decision.
- (5) At least two written references from external experts on the applicants' achievements in science or art, including teaching, are to be obtained for the candidates who are considered suitable to be included on the short list for the appointment or selection. The references should compare the candidates being considered for the short list.
- (6) The appointment or selection committee selects who will write the references. The committees' selection of those who will write the references is to be

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documented and justified in an appropriate manner. A preliminary ranking of the candidates by the committee may not be shared with those writing the references.

- (7) The committee requests those writing the references to state any possible conflicts of interest with the applicants according to § 6(2) of these Regulations.
- (8) If three voting external professors are members of the committee, then the requirement for written references from external experts can be waived. The external members must be present at the discussion and votes on the selection of applicants to be invited to the event to introduce themselves and at the discussion and votes on the ranking of applicants for the appointment and selection list ("accelerated process"). They cast their votes separately.

### **§ 8 Nomination for Appointment or Selection**

- (1) The Faculty Council decides on the appointment or selection nomination and presents this to the Senate and the Executive Committee together with a statement from the de-central Equal Opportunities Officers.
- (2) The nomination should include three names according to § 26(5) sentence 1 NHG. A list with only one or two candidates can be made if there are not enough qualified applications, there is no expectation that a second call for applications would lead to more applications due to the designation of the professorship or if a waiver has been made to the requirement to make a call for applications.
- (3) After the Senate has given its opinion, the Executive Committee decides on the appointment. Following this, according to § 52(1) sentence 4 NHG, the University Council declares its agreement with the appointment nomination if the Ministry of Science and Arts (MWK) has delegated the right to make the appointment to TU Braunschweig.
- (4) For selection decisions, after the Senate has given its opinion, the Executive Committee decides on the appointment.

### **§ 9 Appointment and Announcement**

- (1) If the MWK has delegated the right to make the appointment to TU Braunschweig, the Executive Committee makes the appointment after the decision has been taken on the appointment nomination and the University Council's agreement or after the decision on the selection.
- (2) At the same time, the faculty notifies the other applicants of the fact that they are not on the short list.

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## **§ 10 Deviating Appointment and Selection Processes without a Call for Applications**

- (1) In appointment and selection processes without a call for applications, especially if the preparation of a short list by an appointment committee is waived, quality assurance plays a particular role. The Equal Opportunities Officer must be included in the process.
- (2) **Appointment of an assistant professor (“Tenure Track”) or the head of a junior research group to a professorship, § 26(1) sentence 2 no. 1 letter a or b NHG**
  - (a) The faculty council may waive the requirement to make a call for applications according to § 4(2) of these Regulations in conjunction with § 26(1) sentence 2 no. 1 letter a or b NHG if an assistant professor is to be appointed to a professorship in a tenured employment relationship (civil service) or a permanent employment relationship (*Beschäftigungsverhältnis*). TU Braunschweig’s Tenure-Track Regulations from August 21, 2018, in the respectively valid version govern the process.
  - (b) The same applies if a head of a junior research group who gained the position based on external reviews is to be appointed to a professorship in a tenured employment relationship (civil service) or a permanent employment relationship (*Beschäftigungsverhältnis*).
- (3) **Appointment of a fixed-term professor to the same professorship as a tenured position (*Entfristung*), § 26(1) sentence 2 no. 2 NHG**
  - (a) The faculty council may waive the requirement to make a call for applications according to § 4(2) of these Regulations in conjunction with § 26(1) sentence 2 no. 2 NHG if a professor with a fixed-term contract is to be appointed to the same professorship in a tenured position.
  - (b) In this case, § 5 of these Regulations is not applicable.
  - (c) At least two written references from external experts on the applicants’ achievements in science or art including teaching are to be obtained for the professor. In deviation from § 7(6) of these Regulations, the faculty council chooses the external experts. After all expert references have been submitted, the faculty council holds a secret ballot on the appointment nomination. The nomination must include at least the following documents:
    1. CV, list of publications, list of teaching programmes and documents on pedagogical-didactic aptitude,
    2. all expert references if they were not waived based on § 10(3) letter d of these Regulations and
    3. documents on the participation and the statement from the Equal Opportunities Officer, if such a statement was submitted.
  - (d) After the nomination has been presented to the Senate and with the agreement of the Executive Committee, the faculty council can decide not to request external expert references if these were already obtained for the fixed-term professorship and an internal evaluation confirms that the professor successfully proved herself or himself during the probationary period of the first appointment.

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- (4) **Appointment of a fixed-term W2 professor to a W3 tenured professorship (*Entfristung mit Anhebung*), § 26(1) sentence 2 no. 3 NHG**
- (a) The faculty council may waive the requirement to make a call for applications according to § 4(2) of these Regulations in conjunction with § 26(1) sentence 2 no. 3 NHG if a W2 professor with a fixed-term contract is to be appointed to a W3 tenured professorship and there is a quality assurance policy agreed between the responsible ministry and the university; this does not apply if the person was an assistant professor or head of a junior research group at the same university before being appointed for the fixed-term professorship and continued as a professor according to § 10(1) without a call for applications.
  - (b) In this case, § 5 of these Regulations is not applicable.
  - (d) After the nomination has been presented to the Senate and with the agreement of the Executive Committee, the faculty council can decide not to request external expert opinions. The faculty council holds a secret ballot on the appointment nomination. The nomination must include at least the following documents:
    - 1. CV, list of publications, list of teaching programmes and documents on pedagogical-didactic aptitude and
    - 2. documents on the participation and the statement from the Equal Opportunities Officer, if such a statement was submitted.
- (5) **Appointment of a professor to a higher professorship (*Anhebung*), § 26(1) sentence 2 no. 4 NHG**
- (a) The faculty council may waive the requirement to make a call for applications according to § 4(2) of these Regulations in conjunction with § 26(1) sentence 2 no. 4 NHG if a Technische Universität Braunschweig professor who received an appointment offer from another university or another employment offer is to be retained using the offer of a higher-paying position ("*Anhebung*" - pay according to W3 instead of W2).
  - (b) In this case, § 5 of these Regulations is not applicable.
  - (d) After the nomination has been presented to the Senate and with the agreement of the Executive Committee, the faculty council can decide not to request external expert references. The faculty council holds a secret ballot on the appointment nomination. The nomination must include at least the following documents:
    - 1. CV, list of publications, list of teaching programmes and documents on pedagogical-didactic aptitude and
    - 2. documents on the participation and the statement from the Equal Opportunities Officer, if such a statement was submitted.
- (6) **Appointment to a professorship funded by a programme financed by more than one university, § 26(1) sentence 2 no. 5 NHG**
- (a) After the nomination has been presented to the Senate and with the agreement of the Executive Committee, the Faculty Council can decide not to establish an appointment committee or request external expert references if a professorship is to be filled that is funded by a programme financed by more than one university according to § 26(1) sentence 2 no.

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- 5 NHG. This only applies if the appointment regulations for the funding programme require a call for applications or an appointment procedure and a selection procedure that includes external expert references.
- (b) In this case, § 5 of these Regulations is not applicable.
  - (c) The nomination must include at least the following documents:
    1. CV, list of publications, list of teaching programmes and documents on pedagogical-didactic aptitude,
    2. documents on the allocation or selection procedure with external expert references and
    3. documents on the participation and the statement from the Equal Opportunities Officer, if such a statement was submitted.
  - (d) The provisions in letters a to c apply accordingly if an assistant professorship is to be filled that is funded by a programme financed by more than one university if the allocation provisions require a call for applications or an application procedure and a selection process that includes external expert references.

### **§ 11 Interim Evaluation for Assistant Professors**

The Tenure Committee based on § 5 of the Tenure-Track Regulations from August 31, 2018 in the respectively valid version is also responsible for the interim evaluation of assistant professors without a tenure option.

### **§ 12 Entry into Force and Final Provisions**

These Regulations enter into force when they are publicly announced to Technische Universität Braunschweig. The Guidelines for Appointment Process and the Regulations according to § 25(1) sentence 4 NHG for the procedure without a call for applications are no longer in force as of the same day. These Regulations only apply for appointment or selection processes that are started after the Regulations enter into force. Appointment or selection processes that had already been started before these Regulations entered into force will be continued under the provisions valid before these Regulations entered into force.