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'Amtliche Mitteilungen 115/2020' on 30 September 2020 IS NOT LEGALLY BINDING.

### **Duty of inspection and right of objection:**

In accordance with Section 12 of the Higher Education Act of North Rhine-Westphalia (Hochschulgesetz – HG NRW), procedural or validity violations of higher education law, other applying regulations or other forms of autonomous university law can no longer be asserted after one year has expired since the publication of these Regulations. Exceptions can be made if

1. the Regulations were not published in the prescribed manner,
2. the Rectorate has in advance objected to the decision of the committee responsible for ratification,
3. flaws in form and procedure have been asserted against the University in advance describing the violated legal provision and fact causing the flaw, or
4. upon publication, the legal consequences of the limitation period for inspection and objection were not clarified.

### **PUBLISHING INFORMATION**

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# **Appointment Regulations of the University of Cologne**

**as of 30 September 2020**

Pursuant to Sections 2 (4) (1) and (38) (4) (1) of the Higher Education Act of North Rhine-Westphalia (Hochschulgesetz – HG) as amended by the Higher Education Future Development Act (Hochschulzukunftsgesetz – HZG of 16 September 2014 (GV.NRW p. 574), last amended by Section 10 of the Act on the consistent and solidarity-based management of the COVID 19 pandemic in North Rhine-Westphalia and on the adaptation of state law with regard to the effects of a pandemic (Gesetz zur konsequenten und solidarischen Bewältigung der COVID-19-Pandemie in Nordrhein-Westfalen und zur Anpassung des Landesrechts im Hinblick auf die Auswirkungen einer Pandemie) of 14 April 2020 (GV. NRW. S. 218b), the University of Cologne enacts the following Regulation:

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## **Section 1**

### **Scope**

(1) These Regulations govern the procedure for preparing the appointment proposals for a professorship (W2/W3), a junior professorship (W1), a university lectureship (lecturer) and the procedure for granting tenure track to a professorship.

(2) In addition, please refer to the Guidelines for Appointment Procedures in the currently applicable version.

## **Section 2**

### **Deadlines**

(1) If a position becomes vacant because the holder reaches the age limit, the appointment proposal shall be submitted to the Rectorate no later than six months before this date, Section 38 (2) (2) HG.

(2) If a position becomes vacant for other reasons, the appointment proposal shall be submitted to the Rectorate no later than eight months after the position becomes vacant, Section 38 (2) (1) in conjunction with Section 37 (1) (3) HG.

(3) The procedure from the advertisement of the position to the decision of the Faculty on the shortlist shall not exceed six months.

## **Section 3**

### **Advertising of a professorship**

(1) The positions for university professors shall be advertised publicly by the Rectorate on the proposal of the Faculty in accordance with Section 38 (1) (1) HG. The public advertising of a professorship may only be waived in the cases provided for by law.

(2) If a professorship (W2/W3) is filled according to the tenure track procedure with waiver of advertising pursuant to Section 38a HG, the quality requirements shall be determined according to the Regulations for Quality Assurance in Tenure Track Procedures of the University of Cologne (Tenure Track Regulations).

(3) The call for applications for a professorship must contain at least:

- a. the nature and scope of the tasks to be performed,
- b. the salary and the affiliation within the organization,
- c. the planned date of the commencement of employment,
- d. a list of the documents to be submitted,
- e. the legally provided information according to Section 8 (4) (2) of the Equal Opportunities Act of North Rhine-Westphalia (Landesgleichstellungsgesetz – LGG NW) and Section 81 f. of the German Social Security Code (Sozialgesetzbuch IX – SGB IX),
- f. in the case of professorships with tenure track, an indication that the intended transition to a permanent position is not subject to financing reservations,
- g. an indication that the application must be addressed to the Dean.

(4) The call for applications for the professorship must be published on a University of Cologne website and in at least one relevant publication. As a rule, the position is to be advertised internationally.

## **Section 4**

### **Appointment Commission**

(1) The Faculty Council elects the members of the Appointment Commission to prepare the appointment proposal. Each Faculty Council can elect a deputy for the members from the groups of academic staff, technical and administrative staff as well as students. It is chaired by the Dean. The Dean can delegate the chair to another faculty member. Voting rights of the chairpersons are regulated by the Faculties.

(2) The members of the Appointment Commission are

a) as members with voting rights:

- at least ten members in appointment procedures for W2 and W3 professorships and for university lecturers,
- at least five members in appointment procedures for junior professorships,
- of which more than half are university professors, academic staff members and students;

b) as members in an advisory capacity:

- at least one representative from the technical and administrative staff,
- the Equal Opportunities Officer of the Faculty,
- in appointment procedures of the Faculty of Medicine with clinical activity, the medical director.

c) Without being a member, the following persons may regularly attend the meetings of the Appointment Commission in an advisory capacity:

- the Appointment Officer pursuant to Section 6,
- the University's Equal Opportunities Officer.

They are to be invited and informed like members.

The previous holder of the position and members of the institute who would be bound by instructions to the person to be appointed may not be members of the Appointment Commission. Emeriti and retired professors should not be members of the Appointment Committee.

(3) As guests, the previous holder of the position, competent members of the institute, emeriti and retired professors as well as other competent persons may be invited to individual meetings or to items on the agenda in justified individual cases in an advisory capacity. Permanent guests are not allowed.

(4) Half of the Appointment Commission shall be composed of women, Section 9 (2) (1) LGG NRW.

(5) If possible, the Appointment Commission should include external members. The Faculty Council decides whether or not the external members of the Appointment Commission have voting rights. Section 11 remains unaffected.

(6) The provisions of Section 37a (2) HG on guaranteeing equal opportunities for women

and men in the appointment of professors are given special consideration. The representative of persons with disabilities shall be involved in the procedures for the preparation of the appointment proposals; the Appointment Commission shall give the representative of persons with disabilities the opportunity to comment in good time, Section 38 (4) (1) HG.

(7) In the case of joint appointments with external research institutions, members of the other institutions shall also be members of the Appointments Commission. Section 5 (2) remains unaffected. Alternatively, the external research institution can form its own appointment commission alongside the University's Appointment Commission, in accordance with its own regulations. The appointment proposal can only be made in consensus between the external research institution and the university. The procedure under Section 5 of these Regulations shall remain unaffected.

(8) In the case of cross-Faculty appointments, the Appointments Commission shall be composed of members of the participating Faculties. The participating Faculties determine which of them will be in charge of the proceedings.

## **Section 5**

### **Appointment recommendation**

(1) Before selecting the candidates to be invited, the Appointment Commission shall determine the criteria according to which achievements in research and teaching are to be evaluated.

(2) The Appointment Commission may take steps to actively search for candidates. The chairperson of the Appointments Committee must initiate a search for suitable female candidates if the proportion of women among faculty in the subject is less than 30%.

(3) The appointment proposal shall be accompanied by at least two comparative reports of internationally recognized external professors; if this is required by the professorship's academic profile, opinions of professors from abroad shall also be enclosed.

(4) After trial lectures and internal consultation, the Appointment Commission decides by secret ballot which candidates to shortlist. A decision on the ranking of candidates shall be taken by secret ballot, taking into account the opinions referred to under point 3.

(5) The Appointment Commission submits an appointment proposal to the Faculty Council for decision. All professors of the subject are entitled to participate without voting rights in the discussion on the appointment proposal; the same applies to all university professors in the consultation on other appointment proposals, Section 28 (5) (1) HG.

(6) The Appointment Commission must adequately document all essential procedural steps.

(7) The appointment proposal requires the approval of the Senate, Section 11 (4) Constitution of the University of Cologne.

## **Section 6**

### **Appointment Officer**

(1) The Rectorate shall appoint an Appointment Officer whose task it is to provide neutral support for the appointment procedure on behalf of the Rectorate.

(2) The Appointment Officer shall report to the Rectorate on the progress of the appointment procedure.

## **Section 7 Procedure**

(1) The Principles of the University of Cologne on Questions of Conflict of Interest dated 07 June 2018 (Amtliche Mitteilungen 35/2018 / Official Bulletins 35/2018) must be observed. The chairperson of the Appointment Commission shall act to ensure compliance. If circumstances exist which give rise to a possible conflict of interest, these must be disclosed to the Appointment Commission. The Appointment Commission shall decide on the further involvement of the person concerned and document its decision. In addition, Section 5 (4) of the University's Rules of Procedure of 14 March 2008 in conjunction with Sections 20 and 21 of the Administrative Procedures Act of NRW (VwVfG NRW) apply.

(2) The decision of the Faculty Council (Engere Fakultät) on the appointment proposal requires a majority of the voting members present.

(3) In all other respects, the provisions of the University's Rules of Procedure shall apply, unless otherwise stipulated in these Regulations.

## **Section 8 Tenure Track**

(1) Positions of academic staff, early-career researchers, junior professorships and professorships can be advertised with tenure track. Section 38 a HG. At the end of a successfully completed tenure track procedure, the tenure track candidate is permanently appointed to a professorship without financing reservations. The detailed procedure is governed by the Regulations on Quality Assurance in Tenure Track Procedures (Tenure Track Regulation).

(2) When filling a position with tenure track or when granting tenure track, the requirements of Section 37 (2) HG (prohibition of 'Hausberufung') must be met.

(3) When appointing a W2/W3 professorship with tenure track, the candidate must meet the appointment requirements of a professor in accordance with Section 36 (1) HG.

(4) In justified cases, research fellows (wissenschaftliche Mitarbeiterinnen und wissenschaftliche Mitarbeiter) may be granted tenure track if they meet the requirements for appointment to a junior professorship pursuant to Section 36 HG and have generally been granted their position after external review (Section 38a, (5) (2) HG). Early-career researchers who are not employed as academic staff at the University may, in justified cases, be granted tenure track if they hold a position that is financed by a cross-university funding programme whose award regulations provide for a call for applications and a selection procedure with external review that is equivalent to an appointment procedure for a junior professorship (Section 38a (6) HG). Instead of an Appointment Commission, a Staffing Commission advises on the filling of a tenure track position for a research assistant and the granting of a tenure track to other early-career researchers. The composition and the procedure of the Staffing Commission is based on the provisions of Appointment Commissions for junior professorships. If a tenure track position at an external research institution is to be filled with a tenure track to a professorship at the University of Cologne, a joint public call for applications is published and the University participates in the selection decision in the form of a joint recruitment procedure. The Rectorate decides on the granting of tenure track according to Section 5 of these

Regulations on the basis of a joint proposal of the Faculty Council and the external research institution after informing the Senate.

(5) Junior professors already employed at the University of Cologne may be subsequently offered tenure track if they have received an at least equivalent offer from another university to a junior professorship with tenure track, and such an offer can prevent their departure. Sentence 1 shall also apply to academic staff employed at the University of Cologne (Section 38a (5) (3) in conjunction with (1) (4) HG).

(6) Candidates in the tenure track procedure perform their research and teaching tasks independently. The teaching and research tasks to be evaluated are assigned to the academic staff members with tenure track positions in accordance with the procedure under Section 44 (1) (6) and Section 44 (2) (2) HG. In agreement with the Dean, early-stage researchers not employed at the University especially take on independent teaching duties at the Faculty at which they are granted the tenure track.

## **Section 9**

### **Confidentiality**

(1) The Appointment Commission and the Staffing Commission shall not meet in public. Presentations by invited candidates are usually open to the public.

(2) The chairperson of the Appointment or Staffing Commission shall expressly draw the members' attention to the confidentiality of the deliberations and documents and shall make this known in writing.

## **Section 10**

### **Appointment**

The Rector appoints the professor on the proposal of the Faculty after consultation in the Rectorate and after approval by the Senate. He or she may appoint a candidate on the shortlist independent of the order proposed by the Faculty or request a new proposal, Section 37 (1) (2) HG.

## **Section 11**

### **Special clauses**

(1) In appointment procedures that will affect central research institutions (Sections 29 and 30 HG), the constitutions governing these institutions and the agreements reached regarding their foundation and organization shall be observed. In the case of appointment procedures that affect joint research institutions with other universities and/or non-university institutions (Section 77 HG), the special procedural regulations agreed upon in the cooperation agreements apply. In particular, these institutions have the possibility of nominating an internal or external member with voting rights to the Appointment Commission.

(2) If the institutions under point 1 are maintained by several Faculties of the University of Cologne, the participating Faculties shall decide which Faculty shall be in charge of the procedure.

(3) In cases where the Faculty membership of the position to be filled is still open, the Rectorate decides which Faculties are to be involved. The participating Faculties decide which Faculty will be in charge of the procedure. In case of conflict, the Rectorate decides. The

participating Faculties establish joint Appointment Commissions.

## **Section 12 Entry into force**

These Appointment Regulations shall enter into force on the day following their publication in the Official Bulletins of the University of Cologne. At the same time, the Appointment Regulations of 07.06.2018 (Amtliche Mitteilungen 33/2018) shall cease to apply.

Issued by resolution of the Senate of the University of Cologne of 16 September 2020.

Cologne, 30 September 2020

University of Cologne  
The Rector

Professor Dr Axel Freimuth