

Regulations Governing Professorial Appointments at

RWTH Aachen University

Dated February 3, 2021

in the Fourth Revised Version of the

Regulations Governing Professorial Appointments

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Please note: This publication is an English translation. Only the German original of these regulations as published in the Official Announcements of RWTH Aachen University (“Amtliche Bekanntmachungen”) is legally binding.

Based on §§ 37 a and 38 (4) of the Higher Education Act of the State of North Rhine-Westphalia (Hochschulgesetz; HG) in the version of the announcement dated September 16, 2014 (Law and Official Gazette of the State of North Rhine-Westphalia p. 574), most recently amended by Art. 1 of the Act Concerning Further Measures to Address the COVID-19 Pandemic in Higher Education dated December 1, 2020 (Law and Official Gazette of the State of North Rhine-Westphalia p. 1110), RWTH Aachen University (RWTH) has issued the following regulations:

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Preamble

The appointment of excellent professors in research and teaching serves in the interests of quality assurance and enhancing RWTH's profile. The University specifically aims to further increase its number of international professors and significantly raise its proportion of female professors. Proactive recruitment strategies are also pursued to serve this objective.

§ 1

Scope of Application

- (1) These regulations govern the process for filling university professor positions based on the Higher Education Act of the State of North Rhine-Westphalia (Hochschulgesetz, HG).
- (2) After coming into force, the Regulations on the Tenure-Track Process governs the filling of university professor positions after successful evaluation for all advertised tenure-track professorships at RWTH.

§ 2

Appointment of University Professors

- (1) The rector shall appoint university professors upon the respective faculty's recommendation.
- (2) The University shall strive to achieve a ratio of female professors to male professors in the different subject groups that corresponds to the gender quota set by the Rectorate in accordance with §37 a (1) HG.

§ 2a

Ensuring Equal Opportunities, Gender Quota

- (1) In order to determine the gender quota, all subjects of a faculty shall together form one subject group. The Faculty of Georesources and Materials Engineering is an exception to this, as two subject groups are formed there. These groups have been formed:
 - Subject Group 1: Mathematics, Computer Science and Natural Sciences
 - Subject Group 2: Architecture
 - Subject Group 3: Civil Engineering
 - Subject Group 4: Mechanical Engineering
 - Subject Group 5:
 - 5.1 Materials Science and Engineering; Mineral Resources and Raw Materials Engineering
 - 5.2 Earth Sciences and Geography
 - Subject Group 6: Electrical Engineering and Information Technology
 - Subject Group 7: Faculty of Arts and Humanities
 - Subject Group 8: Business and Economics
 - Subject Group 9: Medicine

- (2) The initial total for the gender quota shall be determined in consultation with the deans and with the participation of the equal opportunity officers, taking particular account of the different qualification paths in the individual subjects.
- (3) The Rectorate shall set the gender quota for a period of three years by Rectorate resolution in consultation with the deans and with the participation of the equal opportunity officers. This resolution will be published in the official announcements of RWTH.

§ 3 Job Postings

- (1) According to § 38 (1), Sentence 1 HG, the positions for university professors are to be publicly advertised via the Rectorate upon recommendation of the respective faculty. Exceptions to this posting obligation exist, as stipulated in § 38 HG.
- (2) The text of the posting has to include the following details:
 1. the scope of the duties and the requirements for candidates (§ 36 HG),
 2. the intended pay scale and assignment,
 3. the start date of the appointment,
 4. a list of the documents to be submitted by candidates, particularly proof of achievements in teaching,
 5. the instruction that applications should be addressed to the dean,
 6. the mention of the application deadline – the application period should span at least four weeks,
 7. a note that applications from people with disabilities are welcome, and
 8. a disclaimer that female candidates are given preference if they are equally suitable, competent, and professionally qualified, unless a fellow candidate is preferred for a specific reason, and
 9. part-time work can be made possible if requested.
- (3) In addition, the posting text must be worded in such a way that both male and female candidates are addressed equally and candidates from outside Germany are encouraged to apply.
- (4) The advertisement must be published in German and/or international periodicals and electronic media in order to reach as many potential candidates in Germany and in other countries as possible.

§ 4 Appointment Officer

- (1) The appointment officer supports University management in its central responsibility for the entire appointment process. In particular, the officer shall ensure that the plans for the University's strategic development are taken into account in the appointment committee's decision based on the strategic orientation previously agreed upon by the Rectorate and the respective faculty, as well as the criteria established in the appointment and in the posting. They shall ensure that the process remains competitive, is transparent, and that candidates are informed of the progress of the process.
- (2) The Rectorate appoints the officer and their representatives.
- (3) The appointment officer is entitled to participate in the meetings of the appointment committee in an advisory role. They may view all the documents relating to the process.
- (4) The officer shall receive administrative support from the Central University Administration.

§ 5 Appointment Committee

- (1) In order to carry out the appointment process and to prepare a recommendation for the Faculty Council, the latter shall establish an appointment committee and elect its members as well as the chairperson of the appointment committee. The chairperson shall be a professor who is a civil servant for life or who is in a permanent employment relationship. This does not apply if the position to be filled is a non-tenure track W1 professor appointment. A substitute for the chairperson is to be elected from among the voting professors on the appointment committee.
- (2) The appointment officer and the Faculty/appointment committee can discuss strategies for how suitable candidates, in particular female scholars, in Germany and other countries, can already be encouraged to apply for the position before the posting is even published (proactive search). On behalf of the appointment committee, the chairperson or a commissioned person can personally address promising candidates and invite them to submit an application. The candidates who are approached are to be invited to hold a trial lecture if they apply.

§ 6 Deadlines

- (1) The appointment process should be initiated in good time and carried out as quickly as possible.
- (2) If a position becomes vacant because the jobholder reaches retirement age, the reassignment process should be initiated at least two and a half years in advance. The position should be advertised early enough that the appointment proposal can be submitted to the Rectorate nine months before the vacancy arises.
- (3) If a position is to be (re)filled for other reasons, the appointment recommendation must be submitted within eight months of the establishment or assignment of the position.
- (4) The period between the application deadline and the personal interviews of the short-listed candidates must not exceed three months.

Candidates must be informed about the progress of the process using the Central University Administration's Appointment Monitor.

- (5) If the deadlines specified in Paragraphs 2 and 3 are well exceeded without justifiable reasons, the Rectorate may reassign the professorship. The Faculty must, however, first be consulted.

§ 7

Composition of the Appointment Committee

- (1) The appointment committee includes members of RWTH from the groups of university professors, academic staff, and students at a ratio of 3:1:1.

Each appointment committee should feature at least one university professor who is a member with voting rights at another university, preferably outside Germany, or be a researcher or expert in their respective field.

The university professors must have the majority of votes in the committee. The appointment committee must be formed of equal proportions of members. An unequally proportioned appointment committee is only permissible in justifiable exceptional circumstances according to § 11c of the HG. Efforts to ensure gender equality on the committee as well as the reasons for any deviations from the provisions are to be recorded on an individual basis.

If an individual is excessively called upon to participate in several different appointment committees due to this quota rule, the Faculty may reasonably relieve them of some of their duties.

At the request of the Faculty Council's representative of employees in technology and administration, at least one of the employees from this area must participate as an advisory member. Employees in technology and administration are non-voting members with the right to speak and submit motions.

If, during the process, it becomes apparent that internal candidates are to be selected for a trial lecture, both the dean of the appointing faculty and the appointment officer are to be included in the committee as advisory members.

- (2) It is not permissible to be a member of the appointment committee if the position in question is the person's own.
- (3) The equal opportunities officer, the relevant Faculty representative, and the representative for staff with disabilities are entitled to participate in the appointment committee meetings as non-voting members with the right to speak and apply. They have to be invited and informed of the process like all other members.
- (4) The other RWTH faculties are each entitled to send two representatives as non-voting members with the right to speak and apply to the appointment committee. The faculty in charge of the process may also send more representatives if they wish. They must be duly informed of their role in the committee. The representatives must indicate their representatives in accordance with the rules established in the relevant faculty regulation. The number of representatives of the other faculties may not exceed the number of members entitled to vote in the appointment committee.

§ 8

Joint Appointment Process

- (1) In joint appointment processes with non-university research institutions, two jointly convening committees are usually established. The University's committee shall be established in accordance with these Regulations. The text of the posting will be coordinated between the institutions in advance. The text will point out that the position is a joint appointment. Applications should be addressed to RWTH. After the application deadline, the members of the non-university research institution and its own appointment committee will have access to the applications. The committees shall jointly create a shortlist of three individuals for the appointment. The chairperson of the respective committee prepares this recommendation and passes it on to their institution to be decided by the respective responsible bodies – first those of the non-university research institution, then those of the Faculty and the University. The appointment proposal is subsequently submitted to the Rectorate of RWTH. If no agreement can be reached on a recommendation during one of the procedural stages, the appointment process shall revert to the previous procedural stage with the aim of preparing a new proposal.
- (2) Deviating from this, a joint committee may also be established if the Faculty Council and the non-university research institution so desire. The composition of the appointment committee is based on the regulations stipulated in § 7 (1), while the Faculty Council determines the size of the committee. Half of the members are proposed by the Faculty and the other half by the non-university research institution. The members have the same voting rights. The non-university research institution can only propose RWTH students for the group of students. In the event of an odd number of members in a group, the majority will be appointed from the faculty's nominations. The chairperson is determined by consensus from the group of university professors and appointed by the corresponding Faculty Council. The University members shall be appointed to the committee in accordance with these Regulations. When appointing the joint committee, it must be ensured that the majority of the voting members are university professors.
- (3) In the case of joint appointment processes with non-university research institutions, if said institution agrees, the appointment process can be carried out exclusively at RWTH, with the non-university research institution participating by nominating at least one voting member for the appointment committee of RWTH. The regulations on the composition of the appointment committee in § 7 (1) must be observed.
- (4) An individual with corresponding voting rights at RWTH who is established at both institutions can only be a member of one of the two committees, or can only be delegated to a joint committee by one of the two institutions.

§ 9

Principle of Confidentiality

- (1) The appointment committee meetings are not open to the public. The documents shall be treated confidentially. Information about individuals acquired during an appointment process must also be treated confidentially.
- (2) The chairperson of the appointment committee shall expressly draw the members' attention to the principle of confidentiality and the EU General Data Protection Regulation (EU GDPR) and shall put this on record. The Bias Declaration and Data Protection fact sheet must be handed out to the members of the appointment committee and signed by them.

§ 10 Bias

At the beginning of their work on the appointment committee, the chairperson will inform the members of the legal regulations on bias (§§ 20 and 21 of the Administrative Procedure Act for the State of North Rhine-Westphalia).

If a member of the committee is biased, or even if there is only the concern of possible bias towards one or more candidates, this must be reported to the chairperson of the appointment committee. The appointment committee must review the individual case and make a decision at the committee meeting. The appointment officer must be informed accordingly. If they are biased or there is concern of bias, members of the committee may not attend committee meetings either as voting members or as guests while they are biased or there is concern that they may be biased. If the matter of bias or concern of bias is resolved in the course of the process, the individual may again participate in the meetings of the appointment committee and the decision, including the reasons for it, put on record.

§ 11 Selection Criteria and Recommendation of the Appointment Committee

- (1) The appointment committee shall compile a comprehensive catalog of criteria which defines the requirements for the selection decision of the professorship in more detail. In particular, the following are considered as selection criteria:
 1. academic and/or artistic qualification,
 2. teaching skills,
 3. ability to actively approach gender and diversity issues in one's own area of expertise,
 4. ability to provide RWTH with new impetus for research and teaching,
 5. particular commitment to teaching and experience in developing curricula,
 6. management skills, in particular personnel management,
 7. experience in the acquisition of research funds,
 8. experience outside Germany,
 9. willingness and aptitude for interdisciplinary collaborations and for taking on tasks in interdisciplinary growth areas and research projects with consortia, and
 10. extent of compliance with the posting and assignment criteria.
- (2) As a rule, shortlisted candidates will be invited to a personal interview. Individuals who have not submitted an application may also be considered. The appointment committee shall take steps to proactively search for female candidates. The goal should be to invite as many female candidates as male candidates to the interview, with two women to be invited as a minimum.
- (3) The provisions of the General Equal Treatment Act shall be observed.

§ 12 Expert Opinions

- (1) For candidates who are to be recommended, comparative external expert opinions from two internationally recognized professors are to be requested. Three comparative expert opinions must be obtained if candidates are to be recommended who have not received their doctorate at another university or have not worked in a scientific position outside RWTH for at least two years. The appointment committee appoints the reviewers in consultation with the dean or the Faculty Council. If no or not enough individuals could be found for the comparative expert

opinions, the reasons for this must be explained and at least two or three comparative and/or non-comparative statements from experts must be obtained for each candidate.

- (2) Further, they must not have a professional, in particular superior, relationship to the candidate who is subject to review and must not have been an internal reviewer in the candidate's doctorate or habilitation. If an expert is biased or if there is even a concern of bias towards one or more candidates, this must be reported to the chairperson of the appointment committee. The appointment committee must review the individual case and make a decision at the committee meeting. The appointment officer must be informed accordingly. If an expert is deemed to be biased, they may not submit an expert opinion.
- (3) The expert opinions should contain a statement about the additional scientific or artistic achievements, which are to be evaluated exclusively in the appointment process. They should also assess the candidates' teaching achievements. In the case of appointments to junior professorships, the report should include a statement on the future prospects of the candidate obtaining tenure.
- (4) The expert opinions must be obtained before the appointment committee makes a recommendation. They must then be included in the proposal the appointment committee submits to the Faculty Council.
- (5) The experts are informed about the outcome of the process.

§ 13

Creation of the Appointment List

- (1) After receiving the expert opinions, the appointment committee decides which individuals will be included in the appointment list. No more than three individuals may be recommended. The candidates must be ranked in order of preference. The appointment list and in particular the ranking shall be justified. The chairperson of the appointment committee is primarily in charge of this.
- (2) When selecting candidates for the shortlist, the appointment committee takes into account the aim of increasing the number of international and female professors.
- (3) The appointment list shall be submitted to the Faculty Council for resolution.
- (4) The vote of the non-voting members of the appointment committee shall be attached to the appointment proposal.
- (5) Each voting and non-voting member of the appointment committee may attach their own statement to the appointment proposal. The representative of staff with disabilities issues its own statement on the appointment proposal if applications from persons with a disability have been submitted.

§ 14

Preparation of the Rectorate's Decision

- (1) The rector shall check whether
 1. these regulations were complied with in the establishment of the list of appointments,

2. the selection of the candidates and the ranking of the appointment list are clearly justified and
 3. the appointment is consistent with the objectives formulated in the initial assignment of the position.
- (2) If the rector considers one of the criteria mentioned in Paragraph 1 not to be fulfilled, they may send the appointment list back to the Faculty for another, one-time review and resolution by the appointment committee and the Faculty Council.
- (3) The dean shall forward the Faculty Council's ensuing resolution to the rector with an explanatory report.

§ 15

Decision on the Appointment List

- (1) The rector appoints the university professors based on the Faculty's recommendation. They may also appoint a different professor to the preferred ranking of the Faculty's recommendation or request a new proposal (§ 37 HG).
- (2) The Rectorate discusses the Faculty's proposal with the faculties conference in a joint meeting before coming to a final decision.
- (3) If after the rector has sent back the recommendation for review and the Faculty resubmits it unchanged, the rector shall make the final decision. If the Faculty submits an amended recommendation, the process follows as per Paragraph 2 above.

§ 16

Process Regulations

- (1) The valid version of the Process Regulations for University Committees shall apply to the appointment process, unless otherwise specified here in these regulations. External members of the appointment committee who are unable to attend a meeting in person may select a voting member from the same group of the appointment committee to submit their vote by proxy. Individual voting members of the appointment committee may only be the proxy for one individual at most.
- (2) Members of the appointment committee may participate in the committee meetings via an appropriate video conference system, subject to prior consideration of the proxy rule. Confidentiality and data security must be guaranteed during remote meetings. The reasons must be made known to the chairperson, who will put them on record. The committee members shall be present in person during the presentation of the candidates in accordance with § 10 (3).

§ 17

Deviations From Regulations

If, in special cases, deviations from the provisions in these regulations have been made, this must be justified in the dean's final report.

§ 18
Temporary Professorships, Part-Time Professorships

These regulations shall also be applied to temporary professorship and part-time professorship appointments.

§ 19
Publication, Entry Into Force

These regulations shall be published in the official announcements of RWTH Aachen University and enter into force on the day after publication.

It is pointed out that, in accordance with § 12 (5) NRW HG, any claims regarding a violation of procedural or formal requirements of the regulatory or other autonomous rights of the University may no longer be asserted after one year has elapsed since the official publication of this announcement unless:

- 1) the announcement has not been properly published,
- 2) the Rectorate has objected, prior to publication, to the decision of the committee adopting the regulations,
- 3) the University has been previously notified about the defect of form or of procedure in a complaint, specifying the infringed legal provision and the fact which gives rise to the defect, or
- 4) the legal consequence of the exclusion of complaints was not pointed out in the public announcement.

Issued based on the resolution of the Senate dated January 28, 2021.

On behalf of the Rector
of RWTH
Aachen University

Aachen,
dated February 3,
2021

sgd. Rüdiger