

## State law BW

entire law

**Official abbreviation:** LHG

**issue date:** 01/01/2005

**Valid from:** 01/06/2005

**Document type:** law

**Source:**



**Source:** Coll. 2005, 1

**Outline No:** 2230-1

**Law on Universities in Baden-Württemberg  
(State Higher Education Act - LHG)  
of January 1, 2005<sup>1)</sup>**

*Complete edition valid from January 8th, 2022 to August 31st, 2022*

**Was standing:** Last change considered: § 58 changed by Article 7 of the Ordinance of December 21, 2021 (GBl. 2022 p. 1, 2)

**footnotes**

- 1) Promulgated as Article 1 of the second law amending higher education regulations (Second Higher Education Law Amendment Act - 2nd HRÄG) of January 1, 2005 (GBl. p. 1).

TABLE OF CONTENTS

PART 1

**General Provisions**

- § 1 scope
- § 2 tasks
- § 3 freedom of science and art, research, teaching and study; scientific honesty
- § 4 equal opportunities for women and men; Equal Opportunities Officer
- § 4 a Contact persons for questions related to sexual harassment and anti-discrimination
- § 5 quality control
- § 6 Cooperation between universities and other institutions
- § 7 Structural and development planning

PART 2

**Structure and organization of the university**

Section 1

**Legal Status of the University**

- § 8th legal nature; Articles of Association
- § 9 membership and participation; Choose
- § 10 committees; procedural regulations
- § 10 a online sessions
- § 11 HR administration
- § 12 privacy
- § 13 finance and reporting
- § 13 a university companies; holdings
- § 14 corporate assets

## Section 2

**Central organization of the university**

- § 15 organs and organizational units
- § 16 Rectorate
- § 17 Full-time members of the rectorate
- § 18 election of the full-time rectorate members; premature termination of the term of office; part-time and part-time Rectorate members
- § 18 a Deselected by the group of university teachers
- § 19 senate
- § 20 university council
- § 20 a Commission for quality assurance and specialist commissions at the dual university
- § 21 Representative for practical school training at teacher training colleges

## Section 3

**Decentralized organization of the university**

## Subsection 1

**Decentralized organization of universities,  
teacher training colleges, art colleges and  
colleges of applied sciences**

- § 22 Faculty
- § 23 deanship
- § 24 Dean, Dean
- Section 24a Deselected by the group of university teachers
- § 25 Faculty Council
- § 26 study commissions; deans of studies
- § 27 Medical school

## Subsection 2

**Decentralized organization of the dual university**

- Section 27 a study academies
- Article 27 b Local College Council
- Section 27c Local Senate
- § 27d Management of the study areas and courses
- Section 27 e Deselected by the group of university teachers

## Section 4

**Information Supply**

- § 28 information supply

## PART 3

**Studies, teaching and exams**

- § 29 Studies; graded study structure (Bachelor and Master courses)
- § 30 courses
- § 30 a Animal Welfare in Education
- § 31 further education
- § 32 Exams; examination regulations
- Section 32 a online exams
- Article 32 b Technical difficulties
- § 33 external examination

- § 34 Special regulations for state examination courses, church and artistic courses as well as teacher training courses
- Article 35 Recognition and crediting of competencies
- § 36 Awarding and holding domestic degrees
- § 37 Use of foreign degrees, titles and designations; Certificate evaluation according to the Lisbon Convention
- Section 37 a Reform clause for cooperation with foreign universities
- Article 38 promotion
- § 39 habilitation; extraordinary professorship

#### PART 4 **Research**

- Article 40 research tasks; research institutions
- Article 41 Research funded by third parties
- Section 41a Transparency of third-party research

#### PART 5 **Participation in the social care and support of the students**

- Article 42 perception of social care and support
- Article 43 Perception of social support and support tasks by the university

#### PART 6 **Members**

##### Section 1 **Scientific and Artistic Personnel**

- Article 44 staff
- Article 45 Application of civil service regulations
- Article 46 Duties of university teachers
- Article 47 Recruitment requirements for professors
- Article 48 Appointment of professors
- Section 48 a Common Vocations
- Article 49 Employment status of professors
- Article 50 University teachers on probation and on a temporary basis
- Article 51 junior professorship
- § 51 a lecturers
- Article 51 b tenure track professorship; Tenure Track Lectureship
- Section 52 Academic staff

Section Staff with tasks in the university hospital  
53

Article Duties at the forensic medicine institutes at the university hospitals  
54

Section honorary professorship; guest professorship; senior professorship  
55

Article Lecturer  
56

Article student and research assistants; teaching assistants  
57

## Section 2 **students**

Article Access to undergraduate courses  
58

Article Access to undergraduate courses and to contact studies  
59

Section matriculation  
60

Section leave of absence  
61

Section exmatriculation  
62

Section Regulatory violations, regulatory procedures  
62 a

Section implementation regulations; underage students  
63

Section guest auditors; gifted; Individuals participating in contact studies  
64

Section student body  
65

Section organization of the student body; posts  
65 a

Article budget of the student body; At sight  
65 b

## Section 3 **Dual Partners**

Article Expression; Task; permit  
65c

## PART 7 **Government Participation, Oversight**

Section State Participation Rights  
66

Section At sight  
67

Section right to information; means of supervision  
68

## PART 8 **Colleges for the Civil Service**

Section Special regulations for universities for the public service  
69

## PART 9 Independent **universities; other facilities**

Section State Recognition

70

Section 71 Withdrawal, revocation and expiry of state recognition

Section 72 At sight

Section 72 a Other facilities

## PART 10 Final Provisions

Section 73 preparatory college

Section 74 Ecclesiastical Rights

Section 75 name protection; administrative offences

Section 76 advancement clause

## PART 1 General Provisions

### § 1 Scope

(1) This law applies to the state universities of the state of Baden-Württemberg, to the universities in independent sponsorship and the other institutions according to § 72a, insofar as this is determined in the ninth part, and to the special state universities according to § 69 .

(2) State universities are

1. the universities of Freiburg, Heidelberg, Hohenheim, Konstanz, Mannheim, Stuttgart, Tübingen, Ulm and the Karlsruhe Institute of Technology, insofar as it performs the task of a university according to Section 2 of the KIT Act,
2. the colleges of education in Freiburg, Heidelberg, Karlsruhe, Ludwigsburg, Schwäbisch Gmünd and Weingarten; they are educational universities with a university profile with the right to award doctorates and habilitation,
3. the following art schools:
  - the universities of music in Freiburg, Karlsruhe and Trossingen,
  - the universities of music and performing arts in Mannheim and Stuttgart,
  - the academies of fine arts in Karlsruhe and Stuttgart
  - the University of Design Karlsruhe,
4. the following universities for applied sciences:
  - the universities
    - of Aalen,
    - Albstadt-Sigmaringen,
    - Biberach,
    - Esslingen,
    - Furtwangen,
    - Heilbronn,
    - Karlsruhe,
    - Konstanz,

Mannheim,  
Nürtingen-Geislingen,  
Offenburg,  
Pforzheim,  
Ravensburg-Weingarten,  
Reutlingen,  
Rottenburg,  
Schwäbisch Gmünd,  
Stuttgart (media),  
Stuttgart (technology) and  
Ulm;

in the basic regulations, the legal designation of the university must be supplemented by at least one profile-forming core competence; they are universities of applied sciences within the meaning of Section 1 of the Higher Education Framework Act,

5. the Baden-Württemberg Cooperative State University (Duale Hochschule, DHBW) based in Stuttgart,
6. the special universities for the public service established in accordance with Section 69 that exist at the time this Act comes into force; they are universities of applied sciences within the meaning of number 4.

The universities can precede or add suitable additions to their name according to sentence 1 by regulation in the basic regulations.

(3) Independent universities are church and other non-governmental educational institutions that are state-recognized in accordance with this Act. The ecclesiastical universities within the meaning of Article 9 of the constitution of the state of Baden-Württemberg remain unaffected.

(4) State universities, with the exception of the universities according to Section 69, are established, merged or dissolved by law. Study academies of the Cooperative State University are set up, merged or abolished by statutory order of the Ministry of Science. Establishing, changing or closing branch offices requires a decision by the state government.

## **§ 2 Tasks**

(1) In accordance with their task, the universities serve to maintain and develop the sciences and the arts through research, teaching, study and further education in a free, democratic and social constitutional state. The universities prepare for professional activities that require the application of scientific knowledge and scientific methods or the ability to create art. The universities contribute to this as follows according to their specific tasks:

1. The universities are responsible for the maintenance and development of the sciences in the combination of research, teaching, study and further education,
2. the universities of teacher education are responsible for teacher training and academic courses related to extracurricular educational processes; as part of these tasks, they conduct research,
3. the art academies are primarily responsible for the cultivation of the arts in the fields of music, the performing arts and the fine arts, the development of artistic forms and means of expression and the imparting of artistic knowledge and skills; In particular, they prepare for culture-related and artistic professions as well as for those art education professions that require special artistic skills; they are also responsible for teacher training courses for artistic teaching at grammar schools; as part of these tasks, they conduct research,

4.

the universities of applied sciences provide training through application-oriented teaching and further training that enables the independent application and further development of scientific knowledge and methods or artistic activities in professional practice; they conduct application-related research and development,

5. The Cooperative State University imparts the ability to independently apply and further develop scientific knowledge and methods in professional practice by combining studies at the academy with practice-oriented training at the participating dual partners (dual system); in cooperation with the dual partners, it conducts research related to the requirements of dual training (cooperative research); as part of her duties, she conducts further training.

In cooperation with business and other employers, the universities support students in conducting internships and graduates in the transition to working life and promote the connection to their graduates. The task of the universities is also the training of teachers for the teaching profession at grammar schools and vocational schools in scientific courses. The teacher training colleges take part in continuing education events as part of state teacher training. The universities support young academics and artists according to their tasks. The universities promote international, in particular European, cooperation in the field of higher education and exchange with foreign universities;

(2) The universities advise students and people who are willing to study about study opportunities, content, structure and requirements of a study program. The faculties and study academies support the students throughout their studies by providing specialist advice during their studies.

(3) The universities contribute to the social support of the students; they take into account the special needs of students with children or relatives in need of care. They ensure that students with disabilities or chronic illnesses are not disadvantaged in their studies and can take advantage of the university's offers without outside help if possible; they appoint a representative for this purpose, whose tasks are regulated in the constitution. They promote the intellectual, musical and sporting interests of the students in their area.

(4) The universities promote equal opportunities for women and men and take into account the diversity of their members and relatives when fulfilling their tasks; In particular, they ensure that all members and relatives, regardless of origin and ethnicity, gender, age, sexual orientation, disability or religion and ideology, have equal opportunities to participate in research, teaching, studies and further education can participate within the framework of their tasks, rights and obligations within the university. As part of their public relations work, the universities encourage the population groups underrepresented at the university to take up a course of study. They promote the integration of foreign students,

(5) Universities contribute to social progress. To this end, they promote innovation, sustainability and animal welfare as part of their duties. Through knowledge, design and technology transfer, they promote the implementation and use of the results of research and development in practice as well as free access to scientific information.

(6) For the purpose of knowledge, design and technology transfer, the universities can support self-employment, in particular start-ups, their students and temporary academic staff as well as graduates and former employees for a period of up to three years in justified Exceptional cases up to five years. The support can be provided free of charge or at a reduced price

1. Provision of rooms and laboratories for business purposes,
2. Provision of IT infrastructure for the business purpose and
3. Possibility of access to university libraries

respectively. Funding according to sentences 1 and 2 is based on a prior written agreement with the Rectorate. Funding according to sentences 1 to 3 is only possible for graduates within

five years from the date of the last degree certificate, for former employees within five years from the end of the employment relationship. The funding must not impair the fulfillment of the other tasks specified in this law. This applies in particular to research, teaching, studies and further education. The provision of rooms or infrastructure within the framework of this regulation does not justify any claims for compensation with regard to additional structural requirements.

(7) The higher education institutions may only assume or be assigned tasks other than those specified in this Act if they are related to the tasks specified in paragraph 1 and the fulfillment of which is not impaired by the performance of the new tasks. The Ministry of Science is authorized, in consultation with the university concerned and in agreement with the Ministry of Finance, to transfer such tasks by statutory order.

(8) The tasks within the meaning of paragraph 7 include in particular the tasks of material testing and preparatory colleges already assigned to the universities and colleges of applied sciences as well as the tasks performed by the state institutes of the University of Hohenheim. Paragraph 7 sentence 2 applies to a change.

(9) The universities regularly inform the public about the fulfillment of their tasks and the results achieved.

### **§ 3**

#### **Freedom of science and art, research, teaching and study; scientific honesty**

(1) The universities are free in research, teaching and art. The state and the universities ensure that the members of the university can exercise the basic rights guaranteed by Article 5 Paragraph 3 Clause 1 of the Basic Law (GG).

(2) The freedom of research (Article 5 Paragraph 3 Sentence 1 GG) includes in particular the question, the principles of the methodology as well as the evaluation of the research result and its dissemination. Sentence 1 applies accordingly to artistic development projects and to the practice of art.

(3) The freedom of teaching (Article 5 Paragraph 3 Sentence 1 GG) includes, within the framework of the teaching tasks to be fulfilled, in particular the holding of courses and their content and methodological design as well as the right to express scientific and artistic teaching opinions. Resolutions of the competent university bodies in questions of teaching are admissible insofar as they relate to the organization of teaching and the establishment of and compliance with study and examination regulations; they must not impair freedom within the meaning of sentence 1. The responsible university bodies can, insofar as this is necessary to ensure the study operations, pass guidelines

1. on the electronic formats in which the courses are to be provided, and
2. to use electronic transmission options.

(4) Freedom of study includes, without prejudice to the study and examination regulations and at the DHBW without prejudice to Section 29 Paragraph 5 Clause 3, in particular the free choice of courses, the right to determine focal points of one's own choice within a course, as well as the Elaboration and expression of scientific and artistic opinions. Resolutions of the competent university bodies in questions of study are permissible insofar as they relate to the organization and proper implementation of teaching and study operations and to the guarantee of proper study.

(5) All those working scientifically at the university and the students are obliged to be scientifically honest. For this purpose, the generally recognized principles of good scientific practice must be observed. A violation of this applies in particular if false information is provided intentionally or through gross negligence in a scientific context, if the intellectual property of others is violated or if the research activities of third parties are significantly impaired. As part of self-regulation in science, the universities set rules for compliance with the



generally recognized principles of good scientific practice and for dealing with scientific misconduct.

(6) If higher education institutions operate facilities jointly with third parties or institutions of higher education institutions are institutionally funded by third parties, Section 70 (3) sentence 2 applies accordingly.

#### **§ 4**

##### **Equal Opportunities for Women and Men; Equal Opportunities Officer**

(1) When performing all tasks, the universities promote the actual implementation of equal opportunities for women and men and work towards eliminating existing disadvantages; they actively promote increasing the proportion of women in all subjects and at all levels where women are underrepresented, and ensure a better compatibility of family and scientific, artistic and medical work. Gender-specific effects must be taken into account in all tasks and decisions.

(2) As a rule, the Senate elects an Equal Opportunities Officer and at least one deputy for a period of two to four years from among the full-time female scientific and artistic staff working at the university; the basic regulations regulate the number of deputies and the term of office of the equal opportunity commissioners and their deputies. The Equal Opportunities Officer determines which of her deputies she can represent in general and in individual cases; she determines the order of deputies and can transfer certain business areas to her deputies.

(3) The Equal Opportunities Officer supports the university management in enforcing the constitutionally required equal opportunities for women and men and in eliminating existing disadvantages for scientifically and artistically active women and female students. The Equal Opportunities Officer is to be informed comprehensively and at an early stage to the extent required for the proper performance of their duties. It is assigned directly to the Rectorate and has the right to speak directly. It is not bound by instructions in carrying out its work. The Equal Opportunities Officer may not be disadvantaged either in general or in their professional development because of their work. If the Equal Opportunities Officer considers a measure to be incompatible with § 4 or with other regulations on the equal treatment of women and men, she has the right to object to this measure in writing within one week of being informed to the Rectorate; in the case of measures that cannot be postponed, the Rectorate can shorten the period to two working days. The Rectorate decides on the complaint within one month of receipt. If the Rectorate considers the complaint to be justified, the measures and their consequences must be corrected; if it considers the objection to be unfounded, it explains its decision in writing to the Equal Opportunities Officer. The Equal Opportunities Commissioner submits an annual report to the Senate on her work; she has the right to report annually to the University Council on her work.

(4) The Equal Opportunities Commissioner is a member of the Senate pursuant to Section 19 and of the Appointment Committees pursuant to Section 48 Paragraph 3 and the Selection Committees pursuant to Section 51 Paragraph 6 by virtue of office; Notwithstanding Article 10 Paragraph 6 Sentence 1, she can also be represented in the appointment and selection committees by a member to be nominated by her or a member of the university to be nominated by her. The Equal Opportunities Officer takes part in the meetings of the faculty and section councils, the university councils, the local university councils and the local senates in an advisory capacity; she can be represented by a member to be nominated by her or a member of the university to be nominated by her and is to be invited and informed like a member. The university can regulate in the basic regulations, in which other bodies, commissions and committees the Equal Opportunities Officer can participate with voting rights or in an advisory capacity. The Senate sets up an Equal Opportunities Commission as an advisory committee in accordance with Section 19 Paragraph 1 Sentence 5. This advises and supports the university and the equal opportunities officer in fulfilling the equal opportunities mandate. The details regulate the basic order.

(5) When filling positions for scientific and artistic staff, the Equal Opportunities Officer has the right to participate in job advertisements at an early stage, to inspect application documents and to participate in application and personnel selection interviews. The provisions of Sections 48 and 51 apply to appointment procedures.

(6) The university provides the Equal Opportunities Officer with the human and material resources required to effectively fulfill their duties. The Equal Opportunities Officer is to be relieved of her other duties in order to exercise her office; the deputies can be relieved accordingly. Depending on the size of the university, the Ministry of Science makes regulations for the relief by ordinance. The university compensates for a reduction in the range of courses in the responsible teaching unit caused by the relief.

(7) The universities draw up equality plans for full-time staff for a period of five years and show how they promote the actual implementation of equal opportunities for women and men in accordance with Section 2 (4). The equal opportunities plans contain concrete improvement targets and specifications for personnel, organizational and further training measures with which the proportion of women at all levels and in all management and decision-making positions is increased until equal representation is achieved. The growth targets for scientific and artistic staff are based at least on the gender percentage of the previous qualification level in scientific and artistic service (cascade model). The equality plan shows the extent to which the objectives of the previous plan have been achieved and assesses progress in enforcing equal opportunities for women and men. The Ministry of Science can set guidelines for the equality plans. The equality plan is to be published on the Internet after the Ministry of Science has approved it in accordance with Section 7 of the structure and development plan; personal data are to be excluded from publication. After three years, the Rectorate presents the Senate and the University Council with an interim report on the status of the implementation of the Equal Opportunities Plan. The equality plan is to be published on the Internet after the Ministry of Science has approved it in accordance with Section 7 of the structure and development plan; personal data are to be excluded from publication. After three years, the Rectorate presents the Senate and the University Council with an interim report on the status of the implementation of the Equal Opportunities Plan. The equality plan is to be published on the Internet after the Ministry of Science has approved it in accordance with Section 7 of the structure and development plan; personal data are to be excluded from publication. After three years, the Rectorate presents the Senate and the University Council with an interim report on the status of the implementation of the Equal Opportunities Plan.

(8) The basic regulations can provide for local equal opportunities officers at the study academies. The basic regulations regulate the details, in particular with regard to their election, their powers, taking into account the tasks of the equal opportunities officers of the DHBW and their assignment.

(9) In deviation from paragraph 2 sentence 1, the basic regulations can provide for a joint equal opportunities officer and at least one deputy for the female scientific and artistic as well as non-scientific staff; the decision in the senate on the merging of the offices cannot be made without the consent of the majority of the members according to § 10 paragraph 1 sentence 2 clause 1 number 5. The basic regulations regulate the details of the structure of the office, the implementation of the election or the appointment of the equal opportunities officer and their deputies and the duration of the term of office. In all other respects, the equal opportunities regulations of this law and the Equal Opportunities Act apply in their currently valid version, provided that the constitution does not contain any further regulations that promote equal opportunities.

#### **§ 4a**

##### **Contact persons for questions related to sexual harassment and anti-discrimination**

(1) The university appoints a female and a male contact for questions relating to sexual harassment for its members and relatives; they are not bound by instructions in this function. The university works to ensure that members and associates of the universities are protected from sexual harassment. The university makes arrangements for the further procedure.

(2) The university appoints a contact person for anti-discrimination for its members and relatives; this is not bound by instructions in this function. The university works to ensure that members and affiliates of the universities are protected from discrimination on racist grounds, because of ethnic origin or religious and ideological identity. The university makes arrangements for the further procedure.

(3) The functions of the contact person according to paragraphs 1 and 2 can be combined. A connection with the function of other officers, for example the equal opportunities officer and the officer for equal opportunities, or the establishment of cross-university positions is also possible. The connection with the function of the data protection officer is excluded.

(4) Article 7 paragraph 1, Article 12 paragraphs 1 to 4 and Article 13 paragraph 1 of the General Equal Treatment Act (AGG) apply accordingly to members and affiliates of the universities who are not employees. Other anti-discrimination regulations remain unaffected.

## **§ 5**

### **Quality Assurance**

(1) To ensure high quality and performance, the universities set up a quality management system under the overall responsibility of the Rectorate; this also includes doctoral studies.

(2) In order to evaluate the fulfillment of the tasks of the universities according to § 2, the universities regularly carry out their own evaluations. In addition, external evaluations are to be carried out at appropriate intervals. Carrying out an external evaluation is to be entrusted to an external evaluation institution or an external expert committee. The students are to be involved in the evaluation of teaching. The results are to be reported to the Ministry of Science as part of the annual report in accordance with Article 13 Paragraph 9 and are to be published.

(3) For the purpose of ensuring the quality of the courses and qualifications offered and of the location, the targeted and resource-saving use of budget funds and university planning, the universities document and track the external course data of the courses and qualifications of the students and the university in pseudonymised or anonymous form young scientists and artists, in particular length of study, change of course and place of study, semester of change as well as course and place of study to which the change is made. In addition, the universities contribute to the university statistics for the purposes stated in sentence 1.

(4) The higher education institutions may store and use the contact details and external historical data of their former applicants who have been admitted, their former members and relatives as well as their former doctoral students, to the extent and for as long as this is necessary for surveys to implement the purposes Paragraph 1 is required in the context of quality management and evaluations according to Paragraphs 1 and 2 and the persons concerned do not object. The data according to sentence 1 of former applicants who have not accepted an offer of enrollment in a degree program at the university must be deleted at the latest by the end of the semester following the semester for which the application was made.

(5) The affected members and associates of the university are obliged to cooperate with their university in the tasks according to paragraphs 2 to 4 and § 13 paragraph 9. The questioning of students and participants in courses and the evaluation of the answers may only be carried out in such a way that the answers and evaluations cannot be assigned to specific or identifiable respondents or only with a disproportionate amount of time, cost and effort. The fact whether the student or the participant has participated in the survey according to sentence 2 may only be assigned to respondents for the electronic implementation of surveys, as long as and to the extent that this is necessary for the implementation of the survey. Non-participation in surveys must not lead to disadvantages. The universities enact statutes in which the regulations required to fulfill the tasks according to paragraphs 2 and 3 and § 13 paragraph 9 are made and it is also determined which personal data is processed and to what extent and in what form it is processed inside and outside the university to be published. Without prejudice to the rights under Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016 on the protection of individuals with regard to the processing of personal data, on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation ) (OJ L 119 of 4 May 2016, p. 1, most recently revised. OJ L 127 of 23 May 2018, p.

## **§ 6**

### **Collaboration between universities and other institutions**

(1) In order to better fulfill their public tasks, the universities must cooperate with each other, with universities in other countries and other states, with seminars for training and further education of teachers, with state and state-funded research and educational institutions and

with research funding institutions. Cooperation within the group of universities is to be ensured by the universities in order to fulfill their tasks, which are determined by common, specific public interests; the details of the cooperation can be regulated by public law contracts. In particular, in order to achieve the best possible use of the university facilities, the Ministry of Science can issue supervisory instructions after hearing the universities concerned.

(2) The Karlsruhe University of Arts and Design cooperates in particular with the Center for Art and Media Karlsruhe (ZKM) in the performance of its tasks. The Ministry of Science can declare the performance of tasks by employees of this university at the ZKM on the basis of cooperation agreements to be official duties if this is compatible with the fulfillment of the other tasks of these employees. Paragraph 1, sentence 3 applies accordingly.

(3) By agreement according to paragraph 1, it can be regulated that one of the participating universities fulfills certain tasks for all participants, in particular allowing the other participants and their members to use its facilities. If the universities conduct a course or several courses together, the university taking over can issue the necessary statutes with effect for and against all those involved; the statutes are to be published in accordance with Article 8 Paragraph 6.

(4) In order to improve their cooperation and to jointly fulfill their tasks in research, art, teaching, studies and further education, the universities can set up cross-university scientific or artistic institutions and operating units as well as faculties and sections through the rectorates of the participating universities after hearing the senates and the university councils set up as joint institutions of several universities. Taking into account their continuing managerial responsibility, the universities involved determine the organization and tasks of such joint institutions by means of agreements, which can also include personnel and economic administration in particular. The management is determined by the rectors.

(5) Universities can set up legal associations in the form of a corporation under public law (association) with other universities or legal entities under public or private law for the joint fulfillment of university or other tasks assigned under this Act. The basis of an association is an agreement under public law between the parties willing to join according to sentence 1 (administrative agreement), which requires the approval of the Ministry of Science; this applies accordingly to the change in the administrative agreement or the cancellation of the association. The Administrative Arrangement and Consent Decree will be published in the Common Gazette; the association comes into being on the day of the announcement, unless otherwise specified in the decree of consent.

1. Purpose and tasks of the association; § 2 paragraph 7 applies accordingly,
2. name, members and headquarters of the association,
3. organs of the association as well as their competence and procedural regulations; at least one meeting of the members of the association is to be provided for, which is to be given the power to decide on fundamental matters, issue articles of association and elect and monitor the board of directors; Furthermore, a board of directors is to be provided, which represents the association towards third parties and takes care of the operational tasks,
4. the financing of the performance of tasks by the association,
5. Distribution of personnel, assets and debts in the event of dissolution.

The budgetary regulations applicable to the universities apply accordingly. If the association is to carry out tasks in research and teaching, §§ 3 and 10 paragraph 1 sentence 2 and paragraph 3 apply accordingly; suitable organizational regulations in the administrative agreement must ensure that these rights are guaranteed. Within the limits of the laws and administrative agreement in the form of consent decree, the Association may regulate its affairs through articles of incorporation. Membership in an association is to be attributed to the state assets unless it is expressly entered into for the corporate assets (§ 14 Paragraph 4 Clause 2); Section 14 paragraph 4 sentence 1 applies. An association can neither found private-law companies nor participate in such. Section 45 sentence 1 of the law on the

implementation of the court constitution law and procedural laws of ordinary jurisdiction of December 16, 1975 (GBl. p. 868), last amended by Article 2 of the law of October 22, 2002 (GBl. p. 385 ), no use. The state assets are not liable. Paragraph 1, sentence 3 applies accordingly. Section 8 paragraph 6, Section 13 a paragraph 2 sentence 1 numbers 5 and 7 and sentence 2 half-sentence 2 as well as Sections 66 to 68 apply accordingly, Section 13 a paragraph 2 sentence 1 number 5 with the proviso that the Ministry of Science in agreement with the The Ministry of Finance determines which regulations of the Public Corporate Governance Code of the State of Baden-Württemberg apply. December 1975 (GBl. p. 868), last amended by Article 2 of the law of October 22, 2002 (GBl. p. 385), no application. The state assets are not liable. Paragraph 1, sentence 3 applies accordingly. Section 8 paragraph 6, Section 13 a paragraph 2 sentence 1 numbers 5 and 7 and sentence 2 half-sentence 2 as well as Sections 66 to 68 apply accordingly, Section 13 a paragraph 2 sentence 1 number 5 with the proviso that the Ministry of Science in agreement with the The Ministry of Finance determines which regulations of the Public Corporate Governance Code of the State of Baden-Württemberg apply. December 1975 (GBl. p. 868), last amended by Article 2 of the law of October 22, 2002 (GBl. p. 385), no application. The state assets are not liable. Paragraph 1, sentence 3 applies accordingly. Section 8 paragraph 6, Section 13 a paragraph 2 sentence 1 numbers 5 and 7 and sentence 2 half-sentence 2 as well as Sections 66 to 68 apply accordingly, Section 13 a paragraph 2 sentence 1 number 5 with the proviso that the Ministry of Science in agreement with the The Ministry of Finance determines which regulations of the Public Corporate Governance Code of the State of Baden-Württemberg apply.

## **§ 7**

### **Structural and development planning**

(1) The universities draw up structure and development plans for a period of five years and update them regularly. In the plans, the universities present the essential guidelines for their profile building and strategic and organizational development compared to the previous planning period as well as the equality plan according to § 4 paragraph 7 and make specifications for the future use of vacant professorial positions. In doing so, the universities are guided by their tasks specified in § 2 and by the goals set in the framework of agreements between the state and the universities.

(2) The structure and development plans adopted by the universities in accordance with paragraph 1 must be submitted to the Ministry of Science for approval no later than six months before the start of the planning period. If a decision is not made within six months of submission of the documents eligible for approval, approval is deemed to have been granted. Approval may only be refused if the structural and development plans do not comply with the legal requirements or if they do not correspond to the goals and requirements of the state in structural, financial and equipment-related terms.

## **PART 2**

### **Structure and organization of the university**

#### **Section 1**

#### **Legal Status of the University**

## **§ 8**

### **legal nature; Articles of Association**

(1) The universities are legal entities under public law and at the same time state institutions that use state funds in accordance with Section 13. The universities have the right to self-government within the framework of the law and carry out their tasks, also insofar as it is a matter of instruction, through a unitary administration; they act on their own behalf.

(2) In matters relating to university examinations, the bodies responsible according to the examination regulations act on behalf of the university. The rector or an authorized representative appointed by him or her is entitled to be present when examinations are conducted. The member of the rectorate responsible for teaching decides on objections.

(3) The universities have their own seal with the small state coat of arms. The universities have the right to their previous coats of arms. The Ministry of Science can give the universities the right to use a different coat of arms in deviation from sentence 1.

(4) The university gives itself a basic order in accordance with this law. The basic order requires the approval of the Ministry of Science.

(5) The university can regulate its affairs through other statutes, insofar as the laws do not contain any regulations. In the case of matters relating to instructions, articles of incorporation can only be enacted if this is provided for by law.

(6) The basic order and the other statutes are to be published in accordance with a special statute. The basic regulations and the other statutes come into effect on the first day of the month following their publication, unless another point in time is specified.

## **§ 9**

### **Membership and Participation; Choose**

(1) Members of the university are those who work full-time at the university not only temporarily or as guests, as well as the enrolled students according to § 60 paragraph 1 sentence 1. Members are also the relieved and retired professors who according to § 22 paragraph 4 sentence 2 co-opted professors from other universities, honorary professors, visiting professors, private lecturers and adjunct professors, as well as honorary citizens and honorary senators; the constitution regulates their active and passive right to vote. Main occupation is the activity if the working time or the scope of duties is at least half the regular working hours or corresponds to half the average scope of duties of the relevant full-time staff. An activity that is designed to last more than six months within a year is not just temporary. Members are also university teachers who, after being appointed jointly with a research institution outside the university sector or within the framework of cooperation agreements, carry out official tasks at the university. The dual partners of the DHBW are also members in accordance with Section 65 c. An activity that is designed to last more than six months within a year is not just temporary. Members are also university teachers who, after being appointed jointly with a research institution outside the university sector or within the framework of cooperation agreements, carry out official tasks at the university. The dual partners of the DHBW are also members in accordance with Section 65 c. An activity that is designed to last more than six months within a year is not just temporary. Members are also university teachers who, after being appointed jointly with a research institution outside the university sector or within the framework of cooperation agreements, carry out official tasks at the university. The dual partners of the DHBW are also members in accordance with Section 65 c.

(1a) The university protects the religious freedom of its members and relatives. Irrespective of this, it can prohibit covering the face if and to the extent that this is necessary

1. to avert danger, especially when using laboratories,
2. to comply with examination regulations, in particular from the point of view of equal opportunities or for identity verification, or
3. to achieve the goal of a specific course.

The university regulates further details, including responsibilities, in its statutes.

(2) The members of the university have the right and the duty to participate in the self-government and the fulfillment of the tasks of the university in organs, committees and advisory committees with special tasks and to take on offices, functions and other duties in the self-government, unless because there are important reasons to the contrary; the resignation also requires an important reason. In the event of their resignation, deselection or expiry of their term of office or their employment relationship, full-time officials as temporary civil servants or civil servants are obliged to continue in their office until a successor is appointed, but at the longest until they retire or until the beginning of the discharge; their official or service relationship continues to exist. Sentence 2 does not apply if previous office holders have declared in writing to the Ministry of Science before the end of their term of office or their employment that they refuse to continue business or if the Ministry of Science refuses to allow the office holders to continue business; in these cases, the respective representative has to continue the business. Anyone who has assumed an office, a function as an internal member of

the University Council, an elective membership in a committee or another function provided for in this law or the Basic Regulations in cases other than those of sentence 2 must hold this position after termination until a successor takes office continue a successor. The obligation to continue in office ends when membership of the university ends. For the representatives of the dual partners in the bodies of the DHBW, the obligation to continue in office according to sentence 4 applies accordingly, unless the previous representatives declare in writing to the President before the end of their term of office, in the case of local bodies to the Rector or the rector that they refuse to continue in office. The obligation to continue in office ends when the dual partner's membership at the university ends or the representative is no longer employed by the dual partner. The membership of representatives of the dual partners in the bodies of the DHBW does not end until the end of their term of office, regardless of their continued eligibility;

(3) Irrespective of Article 20 Paragraph 8 Clause 1, members of the university council cannot be members of the senate, the local university council or the local senate. Simultaneous elective and official membership in the Senate is excluded; The same applies to membership of the faculty council, the local university council and the local senate.

(4) Anyone who works at the university without being a member under paragraph 1 is a member of the university. The constitution can designate other persons as relatives. It regulates the rights and duties of the members to participate in the self-administration and the fulfillment of the tasks of the university. Anyone who does not work at the university full-time within the meaning of paragraph 1 sentence 3 and not only temporarily within the meaning of paragraph 1 sentence 4, but to an extent that is at least a quarter of the regular working hours or a quarter of the average scope of the official tasks of the corresponding full-time employee Personals, has the active right to vote, without prejudice to other rights granted by the constitution; the same applies to lecturers at music colleges.

(5) Anyone who has taken on an activity in self-government must conduct the business assigned to him unselfishly and responsibly. Members of committees are sworn to secrecy about all matters and facts that have become known to them in non-public meetings in relation to personnel and audit matters. Furthermore, all those who have taken on an activity in the self-government are bound to secrecy about all matters whose secrecy is required by law, specially ordered or decided, which have been dealt with in non-public meetings or whose secrecy is required by their nature. Knowledge of matters to be kept secret may not be used without authorization. These obligations continue after the end of the activity and include consulting documents. Confidentiality can only be specially decided or ordered for reasons of public welfare or to protect the legitimate interests of individuals.

(6) In the event of gross impropriety or repeated violations of the rules, a member of a committee may be expelled from the meeting room by the chairperson; in the event of repeated administrative offences, a member can be excluded temporarily or for several, but no more than six, meetings with a two-thirds majority of the members of the committee present. If members or associates of the university culpably violate their obligations to behave in such a way that the university and its bodies can fulfill their tasks, the order of the university is maintained and no one is prevented, without prejudice to further obligations from a service or employment relationship, to exercise their rights, tasks and duties at the university,

(7) During a leave of absence for a period of more than six months, the rights and duties as a member are suspended; Section 61 remains unaffected. The members must not be disadvantaged because of their activities in self-government. Students of the DHBW can also exercise a self-government office during the practical phase.

(8) Elections take place in free, equal and secret ballots and generally according to the principles of proportional representation; if only one list is up for election, the election will be based on the principles of majority voting. If elections are conducted using electronic means, technical and organizational precautions must be taken to ensure compliance with the principles of electoral law pursuant to sentence 1. The elective members of a body, who must belong to a specific membership group, are elected by the members of that group; if representatives of the dual partners are elected at the DHBW, this applies accordingly. The formation of constituencies and elections in general assemblies are not permitted. Section 19 subsection 2 sentence 5 numbers 1 and 2, sentence 8 half sentence 2 and Section 27c

subsection 2 number 2 letter a remain unaffected. The universities shall issue election regulations, in which in particular the voting, the determination of the election result, the election examination as well as the further details of the election procedure and the deselection procedure according to §§ 18a, 24a and 27e including postal voting are regulated. The electoral regulations are intended to regulate which written declarations in electoral matters can be submitted by simple electronic transmission, by mobile media or in electronic form. If there are more non-selectable members in a group of members than there are representatives to be elected, these become members of the committee without being elected. 24a and 27e including postal voting. The electoral regulations are intended to regulate which written declarations in electoral matters can be submitted by simple electronic transmission, by mobile media or in electronic form. If there are more non-selectable members in a group of members than there are representatives to be elected, these become members of the committee without being elected. 24a and 27e including postal voting. The electoral regulations are intended to regulate which written declarations in electoral matters can be submitted by simple electronic transmission, by mobile media or in electronic form. If there are more non-selectable members in a group of members than there are representatives to be elected, these become members of the committee without being elected.

### **Section 10 Committees; procedural regulations**

(1) The type and scope of the participation of the individual member groups and within the member groups as well as the numerical composition of the committees are determined by the technical structure of the university, the tasks of the committees and the qualification, function, responsibility and concern of the members of the university. Form for representation in the committees composed according to member groups

1. the professors and the adjunct professors, insofar as they work full-time and mainly perform the tasks of a professorship (group of professors),
2. the academic staff according to § 52 and at music colleges the lecturers according to § 56; excepted are the teachers according to § 52 paragraph 6 (group of academic staff),
3. the students according to § 60 paragraph 1 sentence 1 letter a (group of students),
4. the students according to § 60 paragraph 1 sentence 1 letter b (group of doctoral students) as well as
5. the other employees (group of other employees)

basically one group each; all member groups must be represented and, in accordance with sentence 1, participate in decisions with voting rights. The professors in the faculty council can decide that full-time deans, insofar as they do not already belong to the group according to sentence 2 number 1, are eligible to vote and be elected in this group. Accepted enrolled doctoral students who work full-time at the university have the right to choose whether they want to exercise their participation rights in the group of academic staff (sentence 2 number 2) or in the group of students according to § 60 paragraph 1 sentence 1 letter b (sentence 2 number 4). For other cases of belonging to several member groups, the basic or electoral regulations can make a regulation. In the case of a small number of members in a group pursuant to sentence 2 numbers 2 and 5, the basic regulations can provide for a joint group of these members and in the case of a small number of members in a group pursuant to sentence 2 numbers 3 and 4 a joint group of these members. The participation of the dual partners in the DHBW takes place in accordance with this law and the legal provisions enacted on the basis of this law in the university council, in the senate, in the local university council, in the commission for quality assurance and in the specialist commissions. As part of this participation, each dual partner has one vote, regardless of its legal form and size. In the case of a small number of members in a group pursuant to sentence 2 numbers 2 and 5, the basic regulations can provide for a joint group of these members and in the case of a small number of members in a group pursuant to sentence 2 numbers 3 and 4 a joint group of these members. The participation of the dual partners in the DHBW takes place in accordance with



this law and the legal provisions enacted on the basis of this law in the university council, in the senate, in the local university council, in the commission for quality assurance and in the specialist commissions. As part of this participation, each dual partner has one vote, regardless of its legal form and size. In the case of a small number of members in a group pursuant to sentence 2 numbers 2 and 5, the basic regulations can provide for a joint group of these members and in the case of a small number of members in a group pursuant to sentence 2 numbers 3 and 4 a joint group of these members. The participation of the dual partners in the DHBW takes place in accordance with this law and the legal provisions enacted on the basis of this law in the university council, in the senate, in the local university council, in the commission for quality assurance and in the specialist commissions. As part of this participation, each dual partner has one vote, regardless of its legal form and size. The participation of the dual partners in the DHBW takes place in accordance with this law and the legal provisions enacted on the basis of this law in the university council, in the senate, in the local university council, in the commission for quality assurance and in the specialist commissions. As part of this participation, each dual partner has one vote, regardless of its legal form and size. The participation of the dual partners in the DHBW takes place in accordance with this law and the legal provisions enacted on the basis of this law in the university council, in the senate, in the local university council, in the commission for quality assurance and in the specialist commissions. As part of this participation, each dual partner has one vote, regardless of its legal form and size.

(2) Unless they belong to the body by virtue of their office, the members of a body are appointed or elected for a specific term of office; they are not bound by instructions and orders from their group. Irrespective of Section 20 Paragraph 3 Clause 1 Half Clause 2, women and men should be given equal consideration in the appointment.

(3) For the senate, the faculty council or section council and the local senate, the number of members who belong to the committee due to elections is to be calculated in the statutes in such a way that the elected representatives of the group according to paragraph 1 sentence 2 half-sentence 1 Number 1 in the body have one vote more than all other members entitled to vote together.

(4) The committees hold meetings in person; the university can provide for deviating regulations through basic regulations, other statutes or rules of procedure of the committees. The meeting is not open to the public, with the exception of voting on matters pursuant to Section 19 subsection 1 sentence 2 numbers 1 and 2 and dealing with matters pursuant to Section 19 subsection 1 sentence 2 numbers 12 to 14 and the debates pursuant to Section 18a subsection 3 sentence 1, Section 24a paragraph 3 sentence 1 and § 27e paragraph 3 sentence 1; the senate can also allow the university public in other matters according to § 19 paragraph 1. The Senate can decide to exclude the university public in the event of disruptions. Decisions in personnel matters are made by secret ballot if this is requested by a committee member. The members and associates of the university are to be informed about the activities of the senate and faculty councils, insofar as this is compatible with the protection of personal data and the confidentiality of consultations. The universities regulate further details in their statutes.

(5) If the election of a body or individual members of a body has been declared invalid with legal effect, this body shall continue to conduct business in its previous composition until the new body formed as a result of a repeated or new election meets. The legal effectiveness of the activity of these members is not affected by the invalidity of the election. Sentence 2 applies accordingly in the event of incorrect appointments to committees.

(6) Ex-officio members are represented by their deputies. The electoral regulations specify a proxy for electoral members; it may also provide for a written transfer of voting rights within the same group.

(7) The term of office of the elected members of the committees begins on October 1st, unless otherwise specified in the constitution. If the election takes place after the specified start of the term of office, the term of office is reduced accordingly.

(8) Otherwise, the university regulates the procedural matters of its committees and the exercise of the right to vote according to paragraph 1 sentence 4 in the basic regulations or

other statutes. The articles of incorporation have to make provisions as to which written declarations can be replaced by simple electronic transmission or by electronic form. The committees can make additional regulations in rules of procedure.

### **§ 10a Online Sessions**

(1) A convocation as a telephone or video conference (online meeting) is only permissible if the majority of the members entitled to vote do not object within a period to be set by the chairperson, unless face-to-face meetings are excluded for other legal reasons. The form of the meeting must be noted in the minutes of the meeting and an overview of the meeting participants must be included.

(2) The video and audio transmission of meetings of the organs and committees is permitted as long as and to the extent that this is necessary

1. for the proper conduct of the online session or
2. with regard to a legally prescribed university public.

The recording is not permanently stored.

(3) Paragraphs 1 to 2 apply accordingly to the organs of the student body if the organs decide to apply them.

### **§ 11 Personnel administration**

(1) Those employed at the university from funds from the state budget are in a direct service or employment relationship with the state of Baden-Württemberg.

(2) The university is responsible for breaches of official duties by the employees named in paragraph 1. The state is entitled to claims for damages and recourse under § 48 BeamtStG and § 59 LBG against civil servants if they have performed tasks within the scope of § 8 paragraph 1 sentence 2 and paragraph 2. Claims by the university against organs and members of organs are asserted by the Ministry of Science on behalf of the university.

(3) Employees are hired at the suggestion of the management of the institution to which they are assigned; the university regulates the procedure for determining the management of this institution in the basic regulations or a statute. If staff are to be paid from third-party grants, the member of the university that is carrying out the project has the right to make a proposal. In cases of assignment according to § 52 paragraph 1 sentence 4, the university professor has the right to propose.

(4) Academic and other employees who are to perform tasks in the university hospital are hired in agreement with the university hospital.

(5) The Minister of Science is the superior of the university professors and the full-time members of the Rectorate. She or he can delegate certain powers as a supervisor to the rector in general or on a case-by-case basis. The rector is the superior of the other civil servants. If the rector is not a civil servant, the chancellor, if he or she is not a civil servant either, the other full-time civil servant member of the rectorate is the lower disciplinary authority.

(6) If members of the other academic staff of the university, who as such are neither civil servants nor employees under private law, suffer an accident within the meaning of § 45 of the Baden-Württemberg State Civil Service Act (LBeamTVGBW) in the course of or as a result of their work at the university they receive accident benefits in accordance with §§ 48 to 50 LBeamTVGBW, unless they are otherwise entitled to corresponding benefits. The same applies to retired university teachers. The Ministry of Science, in agreement with the Ministry of Finance, can grant them a subsistence allowance to be determined at their reasonable discretion. The same applies to the bereaved.

(7) Women and men use all status, function and job titles in the language appropriate to their gender.

## **§ 12**

### **Data protection**

(1) The universities may process personal data if and to the extent that the processing is necessary to fulfill the tasks of the university. In order to maintain the connection to their graduates, they may in accordance with § 2 Paragraph 1 Sentence 4

1. Contact details,
2. faculty and course,
3. Type and date of completion

save and use, as long as the data subjects do not object.

(2) The universities may

1. for decision
  - a) about admission to study,
  - b) about the granting of compensation for disadvantages in examinations and other proofs of performance as well as compensation and simplifications in teaching,
  - c) about leave of absence and
  - d) about the waiver and deferral of tuition fees,
2. for the implementation of practical study semesters and
3. when applying for a stay abroad

process the necessary health data. they may

1. to carry out examinations in ecclesiastical courses, insofar as this is necessary for this, and to decide on the granting of compensation and facilitation in teaching and exceptions to examinations due to religious holidays, the data required for this, from which religious or ideological convictions emerge, and
2. for the implementation of university elections, the necessary data on membership of candidate lists, from which political preferences can indirectly arise,

process.

(3) The universities regulate the processing of personal data, in particular the collection, use, transmission as well as the storage period and deletion by statute. Irrespective of the rights under Regulation (EU) 2016/679, the data protection officer of the university must be heard before the resolution is passed on the statutes.

(4) The Equal Opportunities Officer, the contact person for questions related to sexual harassment, the contact person for anti-discrimination and the officer for students with disabilities or chronic illnesses and their deputies, including the deputies according to Section 4, paragraph 4, sentence 1 half-sentence 2 and sentence 2 half-sentence 2 are obliged, also within the university and beyond the time of their appointment, to maintain secrecy about the personal data that become known to them through their work. The university informs the persons according to sentence 1 of this when they are appointed or at the beginning of their

work. The disclosure and transmission of personal data that the persons according to sentence 1 process in the course of their work,

(5) According to § 65c, the DHBW may transmit data about the students belonging to the respective dual partner to the dual partners, insofar as this concerns the time of enrollment or its cancellation, the period of a leave of absence, the time when the loss of the right to take examinations was determined, the time of exmatriculation or the fact that legal remedies have been lodged against the relevant decisions of the DHBW.

(6) Students are obliged to provide data that the university must process to carry out their studies. Applicants are obliged to provide the data that the university must process to carry out the application process. Exam candidates are obliged to provide the data that the university must process to conduct the exam. Doctoral students are obliged to provide the data that the university must process to carry out the doctorate. Persons according to § 64 are obliged to provide the data whose processing by the university for the implementation of the guest student program according to § 64 paragraph 1 or for the implementation of participation, Acquisition and completion according to § 64 paragraph 2 is required. External users of the university institutions are obliged to provide the data that the university must process to carry out the use. The universities regulate the obligation to provide data, including the data to be provided, according to sentences 1 to 6 in their statutes. Irrespective of the rights under Regulation (EU) 2016/679, the data protection officer of the university must be heard before the resolution is passed on the statutes. including the data to be specified, according to sentences 1 to 6 by the articles of association. Irrespective of the rights under Regulation (EU) 2016/679, the data protection officer of the university must be heard before the resolution is passed on the statutes. including the data to be specified, according to sentences 1 to 6 by the articles of association. Irrespective of the rights under Regulation (EU) 2016/679, the data protection officer of the university must be heard before the resolution is passed on the statutes.

(7) The state and church examination offices are obliged to provide the university with the personal data of students required to fulfill their tasks, including information on religious affiliation and examination candidates.

(8) Apart from the cases of paragraph 10 sentence 2, data of members and relatives are to be deleted immediately after the end of the membership or the relationship of relatives. If an examination procedure has not yet been completed at this point in time, the data must be deleted immediately after the examination procedure has been completed, in deviation from sentence 1. The provisions of the state archive law on the obligation to offer as well as other legal or statutory documentation and storage obligations remain unaffected. Contrary to sentence 1, the universities are obliged, if requested by a graduate, to provide his or her data

1. Surname, first name, maiden name, date of birth, place of birth, gender, address, email address,
2. course, matriculation number,
3. Practical semester, vacation semester or other study breaks,
4. Result and date of the preliminary diploma examination or intermediate examination,
5. Result and date of the final examination of the degree with the overall grade and the individual grades that make up the overall grade,
6. Date of enrollment and de-registration as well as reason for de-registration

to be kept for a period of 50 years in order to be able to issue replacement documents for the graduate if necessary.

(9) Section 13 of the State Data Protection Act remains unaffected.

(10) Section 15 of the State Data Protection Act, Section 50 of the Civil Service Status Act and Sections 83 to 88 of the State Civil Service Act also apply. Contrary to sentence 1, the universities may process personal data, in particular personnel file data, to the required extent for the purpose of applying for funding and third-party funds and for the purpose of auditing when proving the use of funding and third-party funds. The employee concerned must be informed about the transmission, in particular about the transmitted data, the third party and the purpose of the transmission.

(11) Otherwise, the State Data Protection Act applies.

### **§ 13**

#### **Finance and Reporting**

(1) The income and expenditure that the universities use to fulfill their tasks are included in the state budget; the universities are authorized to dispose of the budget funds available to them and to collect claims for the state within the framework of the budgetary provisions of the state. The universities contribute to the financing of the tasks assigned to them by raising funds from third parties and through other income. Unless otherwise specified, the state regulations apply to the budget and economic management. The provisions on corporate assets in Section 14 remain unaffected.

(2) The state funding of the universities is based on their tasks, the agreed goals and the services provided.

(3) The universities are given decentralized financial responsibility for the flexible and independent use of the positions allocated in the state budget and the funds estimated according to Section 7a of the State Budget Code for Baden-Württemberg (LHO). They should transfer the authority to independently manage the proportionately allocated funds to those institutions of the university that have introduced suitable information and control elements. The universities must use suitable information and control instruments to ensure compliance with the budgetary framework and the available spending volume. The Ministry of Science must be informed at regular intervals about the status of the management of income and expenditure or the development of income and expenditure. In order to prove the economic use of the positions and funds, cost and performance accounting must be carried out according to uniform principles.

(4) The universities of the state must apply the principles of § 26 LHO in coordination with the Ministry of Science for their economic management. For the other universities, the Ministry of Science, in prior agreement with the Ministry of Finance, should, at the request of the university, allow the principles of § 26 LHO to be applied to the economic management. Universities and other higher education institutions must draw up a business plan annually before the start of the budget year in accordance with the principles of § 26 LHO and notify the Ministry of Science of this by a date set by the latter. The business plan forms the basis for the university's budget and economic management and must be balanced in terms of expenditure and income. The Ministry of Science may require the economic plan to be drawn up for a period longer than one year. The university regulates the operational management and accounting by statutes, which require the prior approval of the Ministry of Science and the Ministry of Finance. The provisions of paragraph 3 sentences 3 to 5 also apply to operational management according to sentences 1 and 2. The Ministry of Science can, with prior agreement with the Ministry of Finance, order universities to convert their management to the principles of Section 26 LHO. which requires the prior approval of the Ministry of Science and the Ministry of Finance. The provisions of paragraph 3 sentences 3 to 5 also apply to operational management according to sentences 1 and 2. The Ministry of Science can, with prior agreement with the Ministry of Finance, order universities to convert their management to the principles of Section 26 LHO. which requires the prior approval of the Ministry of Science and the Ministry of Finance. The provisions of paragraph 3 sentences 3 to 5 also apply to operational management according to sentences 1 and 2. The Ministry of Science can, with prior agreement with the Ministry of Finance, order universities to convert their management to the principles of Section 26 LHO.

(5) Objects and rights acquired solely or predominantly with funds from the state budget shall become the property of the state.

(6) The university's mandate to raise third-party funds and other income is carried out by the full-time members of the university. The Rectorate or the office commissioned by it must be notified of offers by third parties to provide funds. Acceptance will be declared by the university. The Rectorate or the office commissioned by it must reject the offer if acceptance violates statutory provisions. It can reject the offer or impose conditions on the acceptance if this affects the fulfillment of other tasks of the university as well as the rights and obligations of other persons or if the subsequent burdens resulting from the acceptance are not adequately taken into account. The university's declaration of acceptance also includes consent to the use of the associated advantages for the participating members of the university. The sponsor can expressly determine financial donations for research, art, teaching and further education for the corporate assets, unless the donation directly or indirectly comes predominantly from public funds.

(7) Third-party funds are to be used for the purpose specified by the third-party funder and managed according to their conditions. Statutory regulations and collective bargaining agreements must not conflict with this. If the provisions do not contain any regulations, the university determines how the funds are used to fulfill its tasks at its dutiful discretion within the framework of the statutory provisions applicable to the economic management of the university. The Ministry of Science can, in agreement with the Ministry of Finance, allow simplified procedures to be used for the approval and accounting of business trips from third-party funds to justify the need for additional business-related expenses required by the State Travel Expenses Act.

(8) The universities shall set up an information system which must contain the basic data on the provision and use of resources for the performance processes of teaching, research and other tasks of the universities as well as the fulfillment of the equal opportunities mandate. The basic data includes, in particular, information about the current situation, the multi-year technical, structural, personnel, structural and financial development and the results of the service processes.

(9) The information system, cost and performance accounting, the results and follow-up measures of evaluations and the implementation of the university contracts and target agreements are to be reported to the Ministry of Science at regular intervals with the necessary basic data; the Ministry of Science determines the structural and technical requirements that are necessary for electronic transmission and comparative evaluation of this data. In an annual report, the university must provide an overview of the fulfillment of the university's tasks and a picture of the university's asset, financial and earnings situation that corresponds to the actual circumstances; the report must include, in particular, the positions and funds allocated to the institutions of the university, provide information about their use and the services rendered in fulfilling the tasks. In the case of commercially managed universities, the reporting obligation according to sentence 2 is fulfilled within the framework of the annual financial statements and management report.

(10) The universities use an effective area management system and, in cooperation with the responsible specialist departments, develop a key figure system as the basis for a transparent determination of their accommodation needs.

### **§ 13a**

#### **companies of the universities; holdings**

(1) The economic activity of the universities within the scope of the tasks according to § 2 is usually carried out with their own material resources and their own staff as a separate task under the direct responsibility of the Rectorate, unless the following paragraphs allow otherwise.

(2) Within the scope of the tasks according to § 2, the universities may only set up, take over, significantly expand or participate in private companies, regardless of the legal form, if

1. the tasks of the universities, which the company is supposed to perform, cannot be fulfilled equally well and economically by the university as its own task within the meaning of paragraph 1,

2. the type and scope of the company is in reasonable proportion to the performance of the university and the expected needs,
3. the university has an appropriate influence in the corporate bodies, in particular in the supervisory board or a corresponding supervisory body,
4. the contribution obligation of the university is limited to a specific amount appropriate to its ability to pay,
5. the application of the Public Corporate Governance Code of the State of Baden-Württemberg is anchored in the articles of association or in the articles of association of the public limited company in the case of a participation of up to and including half of the shares,
6. the auditing rights of the Court of Auditors pursuant to paragraph 4 sentence 2 are ensured in the articles of association, in the articles of association of the stock corporation or by means of an auditing agreement with the Court of Auditors,
7. the corresponding application of the collective agreement applicable for the country or another, technically appropriate collective agreement according to paragraph 5 in the articles of association or in the articles of association of the stock corporation is ensured,
- 8th. it is guaranteed that the annual financial statements and the management report are prepared and audited in accordance with commercial law regulations,
9. public purposes of technology transfer, the exploitation of research results and scientific training justify this; the Ministry of Science can issue statutory ordinances specifying other public purposes within the scope of the tasks of the universities pursuant to Section 2, for the fulfillment of which the universities can set up companies or participate in such companies.

Sentence 1 numbers 5 to 7 shall not apply to holdings of less than a quarter of the shares; Apart from that, exceptions to sentence 1 numbers 5 to 7 require the prior approval of the Ministry of Science, which in the case of number 6 may only be granted in agreement with the Court of Auditors.

(3) Private-law companies of the universities are to be managed in such a way that the public purpose is fulfilled; the Public Corporate Governance Code of the State of Baden-Württemberg applies if the universities hold majority interests. Participations in companies are to be attributed to state assets unless they are entered into for corporate assets (Section 14 (4)).

(4) The establishment of private-law companies and participation in such companies must be reported to the Ministry of Science before the conclusion of the articles of association or the articles of association of the joint-stock company, and to the Court of Auditors when the university acquires at least a quarter of the shares. If the university owns the majority of the shares, the Court of Auditors examines the budgetary and economic management of these companies. In the case of a minority holding of at least one quarter of the shares, the articles of association or the articles of association of the public limited company must provide that the Court of Auditors also examines the budgetary and economic management of these companies or that a corresponding audit agreement is to be made with the Court of Auditors.

(5) If the university holds at least a quarter of the shares in a private-law company, the articles of incorporation must specify that the company's employees comply with the personnel and collective bargaining regulations applicable to employees in the state or the regulations of another, technically appropriate collective agreement be valid. Deviations from the relevant table of fees are permissible in individual cases in order to grant higher remuneration, provided that the private company can cover all expenses from its own income and does not receive any ongoing grants from the university, including grants under Section 2 Paragraph 6, or any ongoing grants from the state.

(6) If a university, together with other universities or together with other legal entities under public law, holds the majority of the shares in a company under private law, this is deemed to be a majority interest within the meaning of this provision; the shares mentioned also include the participations of the legal entities according to clause 1. The Ministry of Science reports to the state parliament once a year by April 1 of each year on all participations of the universities.

## **Section 14**

### **Corporate Assets**

(1) If a university has accumulated corporate assets, these assets of the university and its income as well as the assets of the legally dependent foundations are managed by the rectorate outside of the state budget in accordance with Part VI of the state budgetary regulations; these assets may only be used for the purposes of the university within the scope of its tasks or for the purpose of the foundation.

(2) Grants from third parties to promote research, art, teaching or further education that do not consist of monetary grants, as well as other grants from third parties that serve purposes other than promoting research, art, teaching or further education flow into the corporate assets, unless the sponsors have determined otherwise; they may only be used for their intended purpose. If there is no purpose, the grant is deemed to be intended for the promotion of research, art, teaching or further education (§ 13).

(3) Require the approval of the University Council

1. the sale and encumbrance of property and land rights of the university as well as the obligation to do so,
2. the acquisition, establishment and operation of companies as well as participation in companies,
3. taking out loans and accepting sureties, guarantees and other warranties,
4. the sale or significant modification of objects that have a special scientific, historical or artistic value, as well as the obligation to do so,
5. the acceptance of benefits that is associated with a burden that exceeds the value of the benefit or results in expenditure for which the income from this benefit is not sufficient.

(4) The state is neither entitled nor obliged to enter into legal transactions concluded by the university for corporate assets. Legal transactions at the expense of corporate assets are to be concluded under the name of the university with the addition »for corporate assets«.

(5) Deviating from § 109 LHO, the university council determines which office has to examine the account of the corporate assets and grants discharge for the accounts. § 109 paragraph 3 sentence 2 LHO does not apply.

## **Section 2**

### **Central organization of the university**

#### **§ 15**

#### **Bodies and Organizational Units**

(1) Central bodies of the university are

1. the Rectorate, which at the DHBW bears the designation "Presidium of the Baden-Württemberg Cooperative State University (Presidium of the DHBW)",
2. the Senate,
3. the university council.



(2) It can be stipulated in the basic regulations that the rectorate bears the designation "presidium" with the corresponding designations for its members. Instead of the designation "Hochschulrat", the designation "Universitätsrat" can be used at the universities and the designation "Supervisory Board" at the DHBW.

(3) Irrespective of § 27 a, the universities are divided into faculties or sections in accordance with the basic regulations; the constitution can provide another name for the section. At art colleges and universities of applied sciences, a division into faculties or sections can be dispensed with in the basic regulations. If the basic regulations do not provide for a division into faculties or sections, the subject groups take the place of the faculties at the art colleges. The specialist groups advise the organs of the art colleges and the study commissions in fulfilling their professional tasks. The provisions of this law relating to the faculties are to be applied accordingly to the sections and comparable organizational units; the basic regulations can grant the spokespersons of the departments assigned to the section official membership with voting rights in the section council. The further subdivision below the faculty into scientific and artistic institutions and operating facilities is carried out by Senate resolution according to § 19 paragraph 1 sentence 2 number 7; the responsibilities of the organs of the faculty may not be changed. The basic regulations can authorize the faculty to be divided into study areas, each of which has several courses assigned to it. the responsibilities of the organs of the faculty may not be changed. The basic regulations can authorize the faculty to be divided into study areas, each of which has several courses assigned to it. the responsibilities of the organs of the faculty may not be changed. The basic regulations can authorize the faculty to be divided into study areas, each of which has several courses assigned to it.

(4) organs of the faculty or section

1. the deanery as well
2. the faculty or section council.

The chairperson of the Dean's Office bears the designation »Dekanin« or »Dean«. If the university is not divided into faculties or sections, the tasks of the dean's office are also performed by the rectorate and the tasks of the faculty or section council by the senate, unless otherwise specified in this law.

(5) Insofar as sections take the place of the faculties, these fulfill the tasks of the university in research, art, teaching and further education as cross-subject and cross-faculty organizational units. In deviation from paragraph 3, the sections are divided into departments as scientific or artistic higher education institutions or operational units, taking into account the same or technically related specialist areas and the training orientation. The basic regulations can provide for a different designation for the department.

(6) For tasks that require cooperation between several faculties of a university or several study academies, joint institutions and joint commissions can be formed and their names can be determined at the same time. A joint commission can be granted decision-making powers over appointment proposals as well as habilitation, doctorate and other examination matters; § 10 paragraph 3 applies to the majority of votes. A joint institution can be granted decision-making powers, in particular for the organization of the institutions, research, art and teaching as well as personnel and economic administration. The Senate decides which dean or rector of the academy will chair.

(7) Higher education institutions are either scientific or artistic institutions (institute, seminar) or operating facilities (information centers, libraries, data centers, workshops, supply and auxiliary services, goods and other commercial operations and the like), belonging to one or more faculties or as central facilities assigned to the Rectorate. The Rectorate supervises the central institutions and institutions of the study academies; at the DHBW, the Executive Committee of the DHBW can transfer the supervision of the service in general or in individual cases to the rector of the academy according to § 16 paragraph 8 sentence 1. The Rectorate can determine generally or in individual cases, that scientific institutions also have to provide services for other higher education institutions or for individual members of the university. The

Rectorate informs the public in an appropriate manner about the facilities available at the university.

(8) The universities can transfer teaching tasks, including the development and implementation of study programs, to central units that perform research tasks, in particular institutions according to Article 40 Paragraph 5; in this case, the central unit is responsible for quality assurance of the teaching. The faculties concerned are to be heard. Paragraph 7 sentence 2 applies. The assignment of academic staff who are obliged to teach with their full or partial teaching obligation to such units is made by resolution of the Senate after hearing the affected faculties or study academies. Unless the basic regulations stipulate otherwise, the determination of the teaching tasks according to § 23 paragraph 3 sentence 2 is taken by the Rectorate, the right of the faculty council to be heard according to § 23 paragraph 3 sentence 2 and at the DHBW the right of the local senate to be heard according to § 17 paragraph 6 sentence 3 the senate, the tasks of the dean according to § 24 paragraph 2 the rector and the tasks the dean of studies according to § 26 paragraph 4 the prorector responsible for teaching. The basic regulations regulate the tasks of the central unit and its organizational and management structure; if committees are provided for, Section 10 Paragraph 1 Sentence 2 must be observed. If the central unit conducts a degree program, the basic regulations regulate the membership of the students enrolled in this degree program in this unit and the exercise of their membership rights in the university and the constituted student body; it also provides for a study commission. The basic regulations can stipulate that the central unit takes on tasks in the appointment, doctorate or habilitation process. If committees with decision-making powers are provided for in the constitution for such central units, Section 10 (3) must be observed.

## **§ 16 Rectorate**

(1) The collegial Rectorate manages the university. The Rectorate is a full-time member

1. the rector as head of the rectorate,
2. the chancellor as the member of the rectorate responsible for economic and human resources management,
3. other members of the Rectorate, insofar as this is provided for in the basic regulations.

The constitution can stipulate that up to five additional part-time or part-time rectorate members can be appointed; at the DHBW, the same number of part-time and part-time executive committee members is to be provided for.

(2) The Rectorate is obliged to issue rules of procedure in which, at the suggestion of the Rector, it specifies in particular:

1. certain business areas for its members, in which they take care of the day-to-day administration on their own responsibility or transfer this to the university administration to take care of it,
2. Deputizing rules for the members of the Rectorate, notwithstanding paragraph 2a,
3. Procedural regulations for the Rectorate that regulate the quorum and the passing of resolutions; unless otherwise regulated, Sections 88 to 93 of the State Administrative Procedures Act (LVwVfG) apply; Resolutions made during meetings must be documented at least in accordance with Section 93 LVwVfG.

Until a regulation is issued for deputizing for the rector in accordance with sentence 1 number 2, the chancellor shall act as permanent deputy for the rector. The Rector lays down the guidelines for carrying out the tasks of the Rectorate. The chancellor is at the same time the commissioner for the budget according to § 9 LHO. In budgetary matters, resolutions can only be passed with the consent of the Rector. If the chancellor objects to a measure because he or

she considers it unlawful or unjustifiable in accordance with the principles of economic efficiency, the rector must obtain a decision from the Ministry of Science. A well-founded justification of the objection by the Chancellor must be attached to the Ministry of Science; the Rector informs the University Council. If the Ministry of Science confirms that the measure has been carried out, the rector can issue written instructions to order its implementation.

(2a) At the suggestion of the Chancellor, the Rectorate shall appoint a competent employee of the university administration in consultation with the Senate and the University Council as a representative for the Chancellor, who shall act in the event that the Chancellor is unable to attend or the chancellor or on their instructions performs the tasks and functions of the chancellor. The Rectorate can dismiss the representative after hearing the Senate and the University Council; the representative can withdraw from the representation at any time. The Senate and the University Council can, by mutual agreement, demand that the rectorate dismiss him; Article 18 paragraph 4 sentences 2 to 5 and Article 18a paragraphs 1 to 3, Paragraph 4 sentences 1 to 5 and paragraphs 5 and 6 apply accordingly. The representation ends at the latest when the term of office of the successor to the Chancellor begins.

(3) In addition to the matters expressly assigned to it, the rectorate is responsible for all matters for which no other responsibility is expressly specified in this law or in the constitution. In particular, it is responsible for the following matters:

1. structural and development planning including personnel development,
2. the planning of the structural development,
3. the preparation of the equipment plans,
4. the conclusion of university contracts and target agreements,
5. the continuous evaluation and improvement of structures and performance processes through the establishment and use of a quality management system,
6. the preparation of the draft budget estimate or the preparation of the business plan,
7. the implementation of the budget or the business plan,
- 8th. the distribution of the positions and funds available for the university according to the principles of § 13 paragraph 2,
9. the decisions on the property and room distribution according to the principles of § 13 paragraph 2,
- 10 the decisions about the corporate assets,
11. the determination of benefit payments according to § 38 paragraph 1 number 1 of the state salary law Baden-Württemberg (LBesGBW) on the occasion of appointment and residence negotiations,
12. the determination of benefits according to § 38 paragraph 1 number 2 LBesGBW for special achievements in research, teaching, art, further education and the promotion of young talent; the deaneries and the rectors of the study academies of the DHBW can make suggestions in this regard; the Rectorate is not bound by these proposals,
13. the determination of benefits according to § 38 paragraph 1 number 3 LBesGBW for the performance of other functions or special tasks within the framework of university self-administration, unless the university council is responsible according to § 20 paragraph 9 sentence 3 number 2; the university council is to be informed of the decision,

- 14 the determination of research and teaching allowances according to § 60 LBesGBW,
- 15 the granting of performance-related remuneration components,
- 16 the strategic development of information supply, digitization and information management,
- 17 the structural organizational and procedural anchoring of climate protection within the university as an institution, taking into account legal climate protection requirements,
- 18 at the DHBW the management of the study academies, unless this law or the executive committee of the DHBW assigns the performance of management tasks generally or in individual cases to the rector of the study academy; Paragraph 8 sentence 1 applies,
- 19 at the DHBW the calculation and determination of the study capacity according to § 27 b paragraph 1 sentence 2 number 4 letter b half sentence 1 in corresponding application of § 5 paragraph 3, paragraph 4 sentences 1 to 5 and paragraph 7 of the University Admissions Act as well as in agreement with the University Council Determination of criteria for the decision of the local university council on the upper limit of the participation of the dual partners according to § 27 b paragraph 1 sentence 2 number 4 letter b half sentence 2; the University Admissions Act does not otherwise apply,
- 20 at the DHBW the admission of dual partners according to § 65 c, provided that they are assigned to a central unit according to § 15 paragraph 8; the Rectorate can transfer the decision generally or in individual cases to the management of such an institution.

Determinations according to sentence 2 numbers 11 to 14 include, in accordance with the statutory ordinances according to § 38 paragraph 10 and § 60 paragraph 3 LBesGBW, the responsibility for decisions on the time limit according to § 38 paragraphs 3 and 4 LBesGBW, on the pension eligibility according to § 38 paragraph 6 LBesGBW as well the revocation according to § 38 paragraph 4 sentence 3 LBesGBW. Tasks according to sentence 2 numbers 11 to 14 are not considered tasks of ongoing administration. The rectorate can transfer them to a rectorate committee, which must include at least one other rectorate member in addition to the chancellor. Details can be regulated in the ordinances according to § 38 paragraph 10 LBesGBW and § 60 paragraph 3 LBesGBW. Insofar as the medical faculty is affected by determinations according to sentence 2 numbers 11 to 15, these take place in agreement with the dean. The rector's office can also transfer the tasks according to sentence 2 numbers 11 to 15 to the dean and another member of the dean's office of the medical faculty, who decide after legal examination by the chancellor. Sentence 6 applies accordingly.

(4) Contrary to paragraph 3, only the approval of the rectorate of the university is required in the following matters of the medical faculty:

1. Budget estimate and business plan,
2. annual accounts,
3. Structural and development plan including the planning of the structural development,
4. Principles for the distribution and use of the state grant for teaching and research as well as for the equipment plans,
5. Allocation of land and rooms, insofar as other faculties are also affected,
6. Conclusion of agreements in accordance with § 7 paragraph 2 of the University Hospital Act (UKG).

The dean of the medical faculty is to be involved in an advisory capacity; as far as the university hospital is concerned, the senior medical director and the commercial director are to be involved in an advisory capacity.

(5) The Rectorate prepares the meetings of the Senate and its committees and executes their resolutions as well as the resolutions of the University Council. If the Rector considers measures, decisions or resolutions by organs, committees or officials, with the exception of the University Council, to be illegal or not justifiable in accordance with the principles of economic efficiency, he or she must object to them and urge remedial action; the complaint has a suspensive effect. If the complaint is not remedied, the university council must be involved. If no solution can be found even after the University Council has been involved, the Ministry of Science must be informed.

(6) The Rectorate must inform the Senate and its decision-making committees, as well as the University Council, about all important matters relating to the university and its administration. The rector reports annually to the university council on the fulfillment of the university's tasks; he or she submits an annual report to the Senate. The Rectorate reports annually to the Senate and the University Council on the current status of the implementation of the gender equality goals.

(7) The members of the Rectorate are entitled to take part in the meetings of all committees. The Rectorate can demand that all university bodies discuss and decide on certain matters within the scope of their responsibilities. At his request, he must be informed immediately about any matter relating to the university. Sentences 1 to 3 do not apply to the University Council.

(8) The executive committee of the DHBW assigns the tasks according to paragraph 3 sentence 2 number 18 to the rector of the study academy revocably as a rule, provided that overriding interests of the DHBW do not conflict. The university council must be involved in decisions about the transfer. The tasks that the Executive Committee of the DHBW can assign to the rector of the academy in accordance with paragraph 3 sentence 2 number 18 include in particular the supervision of the employees working at the academy, the establishment of the part of the structure that is attributable to the academy - and development plan, the preparation of the draft of the part of the budget or the business plan that is attributable to the study academy,

## **§ 17**

### **Full-time members of the rectorate**

(1) The rector represents the university. She or he chairs the rectorate, the senate and its committees. She or he may delegate the chair of a committee to a member of the committee.

(2) The full-time members of the rectorate are civil servants on a temporary basis, unless a fixed-term employment relationship is established by contract. The term of office is six to eight years; the University Council makes the final decision. The term of office begins with the assumption of office. In the case of immediate re-appointment or re-appointment, the new term of office follows the end of the previous one. If the full-time member of the Rectorate retires, his term of office also ends.

(3) Anyone who is a full-time professor at the university or who has completed a university degree and is expected to have several years of senior professional experience, particularly in science, art, business, administration or the administration of justice, can be appointed rector that he or she is up to the tasks of the office. Unless a fixed-term employment relationship is established by contract, he or she will be appointed rector; the other members of the rectorate are appointed vice-rector or chancellor. If the constitution makes a corresponding provision, the Rector can use the designation "President" and the Vice-Rectors the designation "Vice-President"; At the DHBW, the rectors are referred to as "President" within the meaning of this provision, and the vice-rectors are referred to as "Vice President" within the meaning of this provision. § 48 LHO does not apply. Full-time members of the rectorate cannot hold any other office at the university during their term of office; Section 15 paragraph 4 sentence 3 remains unaffected. At the DHBW, the rectors are referred to as "President" within the meaning of this provision, and the vice-rectors are referred to as "Vice President" within the meaning of this

provision. § 48 LHO does not apply. Full-time members of the rectorate cannot hold any other office at the university during their term of office; Section 15 paragraph 4 sentence 3 remains unaffected. At the DHBW, the rectors are referred to as "President" within the meaning of this provision, and the vice-rectors are referred to as "Vice President" within the meaning of this provision. § 48 LHO does not apply. Full-time members of the rectorate cannot hold any other office at the university during their term of office; Section 15 paragraph 4 sentence 3 remains unaffected.

(4) If a professor from the state of Baden-Württemberg becomes a full-time member of the rectorate, the previous civil servant status remains in effect. A full-time professor employed under private law remains in his or her previous employment; the rights and duties as a full-time member of the rectorate are regulated in an additional service contract. The duties according to § 46 are suspended during the term of office as a full-time member of the rectorate. § 7 LBesGBW remains unaffected. § 37 paragraph 1 sentence 1 number 1 LBG does not apply to retirement. Full-time members of the rectorate who have been appointed as temporary civil servants, only retire after their term of office or when they reach retirement age if they have completed a period of service of at least ten years in a civil service contract with official pay or have been appointed as a civil servant from a civil service contract for life are. Times of an ordered temporary continuation of official business after the expiry of a temporary civil servant relationship until renewed appointment to the same office for a further term of office shall be deemed to be a period of service according to sentence 6 and § 37 LBG. If a civil servant who does not fall under sentence 1 is appointed as a full-time member of the rectorate from a civil service relationship for life with the state of Baden-Württemberg, sentences 1, 5 and 6 apply accordingly; in this case, the rights and obligations from the office last held in the state civil service are suspended for the duration of the state civil service, with the exception of the duty of confidentiality and the ban on accepting rewards, gifts and other benefits. Sentence 2 applies accordingly if a person employed by the state on a permanent basis who is not a professor of the state becomes a full-time member of the Rectorate in an employment relationship under private law; the suspension of the original employment relationship is to be agreed. Sentence 2 applies accordingly if a person employed by the state on a permanent basis who is not a professor of the state becomes a full-time member of the Rectorate in an employment relationship under private law; the suspension of the original employment relationship is to be agreed. Sentence 2 applies accordingly if a person employed by the state on a permanent basis who is not a professor of the state becomes a full-time member of the Rectorate in an employment relationship under private law; the suspension of the original employment relationship is to be agreed.

(5) The chancellor must have a university degree and, based on several years of senior professional activity, particularly in human resources and business administration, be expected to be up to the tasks of the office.

(6) The rector works through the dean to ensure that the university teachers and other persons responsible for teaching properly fulfill their teaching and examination obligations; he or she has the right to supervise and issue instructions to the dean. The rector can transfer this right to another member of the rectorate. At the DHBW, the Executive Committee of the DHBW, after hearing the local Senate, determines the teaching tasks of the members of the DHBW who are obliged to teach, insofar as this is necessary to ensure a proper range of courses. The President of the DHBW works to ensure that the members of the DHBW who are obliged to teach properly fulfill their teaching and examination obligations. In this respect, he or she has the right to supervise and issue instructions. The Executive Committee of the DHBW can entrust the rector of the study academy or the head of the department with the performance of the tasks and rights from sentences 3 to 5 in general or in individual cases. Section 16 paragraph 8 sentence 1 applies accordingly.

(7) A full-time member of the Rectorate who has been appointed as a temporary civil servant and who previously had an open-ended employment relationship with the state of Baden-Württemberg is, upon request, at least with a comparable position after the end of the term of office or if there is an important reason to take over the legal position that they had at the time of their appointment as a full-time member of the rectorate; a full-time member of the rectorate who was not employed in the civil service of the state of Baden-Württemberg before his appointment can be accepted into the state's civil service under the same conditions. § 37 paragraph 1 sentence 1 numbers 1 and 2 LBG does not apply to retirement if the full-time

member of the Rectorate has reached the age of 55 at the end of the term of office. year of life has not yet reached its end. The application must be submitted no later than three months after the end of the term of office as a full-time member of the rectorate. The appointment or takeover shall be rejected if the full-time member of the Rectorate has committed a misdemeanor that would justify removal from the civil service. A full-time member of the rectorate who, in addition to his or her temporary civil service contract, does not have any other civil service contract for life or permanent employment, can be appointed to a professorship after the end of a full term of office if they have outstanding qualifications at the university where they work as a member of the rectorate if the employment requirements according to § 47 are met and the Ministry of Science agrees.

(8) The rector maintains order in the university and exercises domestic authority. She or he can transfer the exercise of domiciliary rights generally or in individual cases, in particular to deans, rectors of the Studienakademie and those who manage or manage higher education institutions within the meaning of § 15 paragraph 7 or 8, as well as teachers in their courses.

### **§ 18**

#### **Election of the full-time members of the Rectorate; premature termination of the term of office; part -time and part-time Rectorate members**

(1) To prepare for the election of a full-time member of the rectorate, the chairperson of the university council appoints a selection committee, which he or she chairs. The selection committee, including the chairperson of the university council, includes an equal number of members of the university council and the senate who do not belong to the rectorate, as well as a representative of the Ministry of Science in an advisory capacity; the basic regulations regulate the concrete composition of the commission in agreement with the university council. The chairperson of the university council coordinates the job advertisement for the full-time member of the rectorate with the selection committee and advertises the position publicly.

(2) The search committee decides on an election proposal with up to three names; the election proposal requires the agreement of the Ministry of Science. At the request of the University Council or the Senate (electoral bodies), further candidates will be included in the nomination, provided that the Ministry of Science gives its consent. The electoral committees elect the full-time members of the rectorate in a joint meeting chaired by the chairperson of the university council. Whoever achieves the required majority in both electoral bodies is elected. In the first ballot, the majority of the votes of the members is required, in the second ballot, the majority of the votes of the members present, and in the third ballot, the majority of the votes cast.

(3) For the election of the full-time members of the rectorate according to § 16 paragraph 1 sentence 2 numbers 2 and 3, the rector has a non-binding right to nominate the electoral bodies; In order to exercise this right, the rector may view the application documents and take part in the job interviews. Applicants for the position of full-time member of the Rectorate are excluded from participating in the procedure in the Rectorate, in the selection committee, in the Senate, in the University Council and in the electoral committee. If the position of an official member in the Senate is vacant or if a member is excluded or prevented from sitting in the Senate, a deputy shall take place in accordance with Section 10 Paragraph 6. If the position of a member of the university council is vacant or if a university council member is excluded or not present,

(4) The University Council, Senate and Ministry of Science (participating parties) can prematurely end the office of a full-time member of the Rectorate by mutual agreement. Each participant has the right to propose an early termination to the other two participants. A participant's proposal is accepted if the other two participants agree. The resolutions according to sentences 2 and 3 require a majority of two-thirds of the members in the university council and senate. Paragraph 3 sentence 2 applies accordingly. In the event of premature termination, the affected full-time member of the rectorate is to be released from the civil service contract or his employment contract is to be terminated, unless otherwise specified in sentence 7. If a full-time member of the rectorate is not a full-time professor at a university in the state of Baden-Württemberg, he or she shall enter temporary retirement by operation of law at the end of the calendar month in which the term of office ended prematurely for the remainder of his or her term of office . This does not apply to civil servants who fall under

Section 17 (4) sentence 8; in the case of these persons, the rights and obligations dormant under Section 17 (4) sentence 8 clause 2 shall be revived when the premature termination of office takes effect. This does not apply to civil servants who fall under Section 17 (4) sentence 8; in the case of these persons, the rights and obligations dormant under Section 17 (4) sentence 8 clause 2 shall be revived when the premature termination of office takes effect. This does not apply to civil servants who fall under Section 17 (4) sentence 8; in the case of these persons, the rights and obligations dormant under Section 17 (4) sentence 8 clause 2 shall be revived when the premature termination of office takes effect.

(5) The part-time members of the rectorate are elected by the senate from among the full-time professors belonging to the university on the proposal of the rector with a majority of its members. The term of office of the part-time members of the rectorate is three to four years, but always ends with the term of office of the rector; the decision on the term of office is made by the Senate. The term of office begins with the assumption of office. The part-time members of the rectorate cannot hold any other elective office at the university during their term of office. At the suggestion of the Rector, the Senate can vote out a part-time member of the Rectorate with a two-thirds majority of its members.

(6) At the DHBW, relatives of dual partners according to § 65 c can also be elected part-time members of the executive committee. Paragraph 5 applies accordingly. The election requires confirmation by the University Council of the DHBW. After the end of their term of office, part-time members of the Rectorate can continue in office until a successor is appointed in agreement with the Ministry of Science. The Personnel Committee decides on the remuneration in accordance with Article 20 Paragraph 9.

#### **§ 18 a** **deselection by the group of university teachers**

(1) The members of the group of university teachers who are entitled to vote according to § 10 paragraph 1 sentence 2 half-sentence 1 number 1 can terminate the office of a rectorate member prematurely by voting out if they have lost confidence in his or her conduct of office. The loss of confidence has occurred when the majority according to paragraph 4 is reached. Early termination requires an application (request to be voted out), which must be signed by at least 25 percent of the members of the group entitled to vote according to Section 10 paragraph 1 sentence 2 clause 1 number 1 who belong to the university at the time of signing. The date of the signature must be recorded in each case. No more than four weeks may elapse between the first signature and the submission of the cancellation request.

(2) If the vote-out request has been approved, three consecutive working days must be set as voting days, which must be no later than six weeks after the announcement of the approval, taking into account the procedure according to paragraph 3.

(3) Before the voting is carried out, a university public debate is to be scheduled in a joint meeting of the Senate and the University Council, which is chaired by the chairperson of the University Council. At this meeting, the member of the Rectorate against whom the application is directed must be given the opportunity to make a statement to the Senate and the University Council. Statements from the university public may be permitted. The Senate and the University Council each decide on a statement on the deselection request, which is made public at the university.

(4) Voting takes place in a free, equal and secret ballot. If the university is divided into faculties or sections, the deselection is successful if the majority of the members of the group who are entitled to vote at the university according to § 10 paragraph 1 sentence 2 clause 1 number 1 vote for the deselection and this majority votes in at least half of all faculties or sections is reached. At the DHBW, instead of the faculties or sections, the study academies should be used. If a university is not divided into faculties or sections, the deselection is successful if two thirds of the members of the group who are entitled to vote at the university vote for the deselection according to § 10 paragraph 1 sentence 2 half sentence 1 number 1. The universities can set stricter requirements in the statute according to paragraph 6.

(5) The decision on the admission of the request for deselection and the implementation of the procedure are the responsibility of a deselection committee. The deselection committee



consists of the chairperson of the university council as chairperson and two other university council members as assessors, who are appointed by the university council. The members of the deselection committee are authorized to issue instructions to the members of the administration of the university and its institutions with regard to the implementation of the procedure. The deselection committee can delegate the conduct of the procedure to a state civil servant who is qualified to hold judicial office and does not have to be a member of the university. Sentence 3 applies to him or her accordingly.

(6) A statute of the university regulates the further details of the procedure including postal voting. The approval of the request for deselection, the voting days and the result of the voting must be announced immediately. The announcement takes place in accordance with a special statute in accordance with § 8 paragraph 6 sentence 1. A request to be voted out against the same Rectorate member is possible again at the earliest six months after the announcement of the result of the vote or the non-admission of a request to be voted out.

### **§ 19 Senate**

(1) The Senate decides on matters of research, artistic practice, artistic development projects, teaching, studies, dual training and further education, insofar as these are not assigned by law to another central body, the faculties or study academies. The Senate is responsible in particular for

1. Election of the full-time rectorate members together with the university council in accordance with § 18 paragraphs 1 and 2 and participation in accordance with § 18 paragraph 4,
2. Election of the part-time rectorate members in accordance with § 18 paragraph 5,
3. Approval of structure and development plans,
4. Opinion on draft budget estimates or on the business plan,
5. Opinion on the conclusion of university contracts and target agreements,
6. Opinion on the job description of posts for university teachers; the statement does not apply if it is in accordance with the agreed structure and development plan,
7. Passing resolutions in connection with the establishment, modification and cancellation of courses, higher education institutions, specialist groups and joint institutions and commissions within the meaning of Section 15 Paragraph 6,
- 8th. Resolution in connection with the determination of admission numbers,
9. Decision-making based on the proposals of the faculties or the study academies on the basis of the recommendations of the expert commissions on the statutes for university examinations or statements on examination regulations through which a university degree is completed, at the DHBW also the regulations on the course content and the training guidelines as well as on eligibility requirements and Approval procedure for dual partners,
10. Resolutions on statutes, in particular for the administration and use of the higher education institutions, including fees and charges, for elections and for the entrance examination, academic year division, admission, admission, enrollment, leave of absence and exmatriculation of students,
11. Decisions of fundamental importance in questions of artistic practice, artistic development projects, research and the promotion of young scientists and artists as well as technology transfer,

12. Resolution on the constitution and its amendments,
13. Discussion of the Rector's annual report in a joint meeting with the University Council,
14. Discussion of the annual report of the Equal Opportunities Officer,
15. Discussion of the interim report on the equality plan.

At the request of a quarter of the members of the Senate, an item for negotiation is to be placed on the agenda for the next but one Senate meeting at the latest. The basic regulations can provide that the Senate or its groups elect spokespersons according to § 10 paragraph 1 sentence 2 clause 1. The Senate can form decision-making and advisory committees. The voting members of the decision-making committees must be members of the Senate; the university teachers must have the majority in these committees. The matters listed in sentence 2 numbers 1 to 3, 7 and 10 as well as 12 to 15 cannot be transferred to decision-making committees. The Senate of the DHBW can hear representatives of dual partners; a hearing must take place if dual partners disagree on matters

(2) The composition of the Senate is regulated in the Basic Regulations with the proviso that

1. the elected representatives of the group pursuant to Section 10 Paragraph 1 Sentence 2 Clause 1 Number 1 must have the majority of the votes pursuant to Section 10 Paragraph 3; at universities where a maximum of 35 people belong to the group according to § 10 paragraph 1 sentence 2 clause 1 number 1, at all other universities the number of seats and number of votes must be identical,
2. the elected representatives of the groups according to § 10 paragraph 1 sentence 2 clause 1 numbers 2 to 5 at the universities according to § 1 paragraph 2 sentence 1 number 1 at least 40 percent, at the universities according to § 1 paragraph 2 sentence 1 numbers 2 to 5 at least 33 percent of the seats and votes,
3. the rector, the member of the rectorate responsible for economic and human resources management and the university's equal opportunities officer are ex officio voting members and
4. the Senate should not exceed 45 voting members; a higher number of members is permitted with the approval of the Ministry of Science.

Subject to the requirements of sentence 1, further office memberships with voting rights can be provided for in the basic constitution. Members by virtue of office with an advisory vote are:

1. the other members of the rectorate according to § 16 paragraph 1 sentence 2 number 3, insofar as no voting office membership according to sentence 2 is provided,
2. the chief medical director and the commercial director, as far as the university hospital is concerned,
3. the dean of the medical faculty, insofar as he or she is not a member of the senate as a result of an election pursuant to sentence 1 number 1 or a voting office membership pursuant to sentence 2.

The constitution may provide for further advisory office memberships. Elective members are:

1. at least one member of each faculty or section of the university who belongs to the group according to § 10 paragraph 1 sentence 2 clause 1 number 1 and is elected by the faculty or section members of this group according to the principles of majority voting; Members of the university who do not belong to any faculty or belong to several faculties must declare in writing to the Rectorate in which faculty they want to exercise their participation

rights; if the university is not divided into faculties or sections, the representatives of the group according to § 10 paragraph 1 sentence 2 half-sentence 1 number 1 are elected by the members of this group at the university according to the principles of majority voting,

2. at the DHBW deviating from this
  - a) one member of each academy who belongs to the group according to § 10 paragraph 1 sentence 2 clause 1 number 1 and is elected by the members of this group at the academy according to the principles of majority voting,
  - b) a member of each field of study who belongs to the group according to § 10 paragraph 1 sentence 2 clause 1 number 1 and is elected by the members of this group in the field of study according to the principles of majority voting, and
  - c) a representative of the dual partners of each field of study, who is elected by the responsible persons of the field of study according to § 65c paragraph 3 from among these persons according to the principles of majority voting,
3. other voting members of the other groups according to § 10 paragraph 1 sentence 2, whose numerical composition determines the basic order and who are directly elected according to groups.

The basic regulations determine the number of members of each faculty or section who are elected to the Senate in accordance with sentence 5 number 1. At the DHBW, the basic regulations can stipulate that, depending on the size of the study academies and study areas, up to three members of the study academy and up to two members of the study area are elected to the Senate in accordance with sentence 5 number 2 letters a and b. The details of the election of the members according to sentence 5 are regulated by the election regulations; Deviating from Article 9 Paragraph 8 Clause 4, the representatives of the group according to Article 10 Paragraph 1 Clause 2 Clause 1 Number 1 are permitted to be elected in a general meeting. The term of office of the elective members is determined by the constitution.

(3) A quarter of the members of the Senate can demand that the Rectorate inform the Senate in all matters that fall within the Senate's competence. Each member of the Senate can address questions to the Rectorate in writing, electronically or orally in a Senate meeting about individual matters within the meaning of sentence 1, which must be answered within a reasonable period of time; the details are regulated by the basic order. Sentences 1 and 2 do not apply if objects are affected that fall under § 41 a, which makes a final special regulation. Personal data will only be communicated if the interest in information according to sentences 1 and 2 outweighs the interest in the protection of personal data; Section 9 paragraph 5 sentences 2 to 6 must be taken into account when weighing up.

## **§ 20 University Council**

(1) The university council accompanies the university, assumes responsibility in strategic terms, decides on structural and development planning and proposes measures that serve to create a profile and increase performance and competitiveness. He oversees the management of the Rectorate. The university council can comment on strategic matters of the university to the Ministry of Science at any time; the Ministry of Science can obtain statements from the University Council. The tasks of the University Council include in particular:

1. the election of the full-time rectorate members together with the senate in accordance with § 18 paragraphs 1 and 2 and the participation in accordance with § 18 paragraph 4,
2. Passing resolutions on structure and development plans and on planning structural development,
3. the adoption of resolutions on the draft of the budget estimate or the business plan,

4. the consent to the conclusion of university contracts and agreements according to § 7 paragraph 2 UKG,
5. the consent to the establishment of companies and participation in companies,
6. the adoption of resolutions on the proposal of the Rectorate on principles for the equipment and for the economic and task-oriented use of funds for research, artistic practice, artistic development projects and teaching on the basis of § 13 paragraph 2; as far as the medical faculty is concerned, the proposal is made by its dean's office,
7. the determination of the annual financial statements for economic management according to the principles of § 26 LHO,
- 8th. Approval for cross-university cooperation of particular scope,
9. the statement, at the DHBW the consent to the establishment, change or cancellation of a course; Opinion and agreement do not apply if they comply with the agreed structure and development plan,
- 10 the statement on the draft of the basic regulations and amendments thereto, unless the approval or agreement of the university council is required in this law,
11. discussing the rector's annual report and the report on the fulfillment of the university council's tasks in a joint meeting with the senate,
12. at the DHBW the deselection of a rector of the academy, a vice rector of the academy and another vice rector of the academy, if appointed, as well as the head of the branch office and the head of the department,
13. at the DHBW, ensuring the quality of the studies at the study academy and the dual partner,
- 14 at the DHBW the consent to the regulations according to § 19 paragraph 1 sentence 2 number 9, with the exception of the study and examination regulations,
- 15 at the DHBW the establishment of principles for the design of the study contracts, which must be fulfilled for enrollment according to § 60 paragraph 2 number 7,
- 16 Discussion of the interim report on the equality plan.

(2) Three times a year, the Rectorate provides the University Council with a written overview of the current situation in the various performance areas of the universities and the measures planned or taken to improve quality, the development of the budget and economic situation and the financial effects of appointment agreements to report. In order to fulfill its tasks, the university council can request reports from the rectorate at any time and has access to all documents. The University Council can transfer the exercise of the right to inspect and examine documents to individual University Council members or experts. If there are any objections, the University Council works towards clarification within the university.

(3) Irrespective of paragraph 8, the University Council consists of at least six and a maximum of twelve members who are appointed by the Minister of Science; at least 40 percent of the members, in the case of the DHBW the members to be selected according to paragraph 4, must be women. The members may not be members of the university within the meaning of § 9 (external members of the university council); Honorary professors, lecturers, honorary senators and honorary citizens are considered external members of the University Council. Section 10 paragraph 2 sentence 2 remains unaffected.

(4) To select the members of the University Council, a selection committee is formed from members of the Senate who do not belong to the Rectorate and representatives of the Ministry of Science, who together have as many votes as Senate members belong to the committee; the number of Senate members determines the basic order. A representative of the University Council and the Equal Opportunities Officer take part in the meetings of the selection committee in an advisory capacity. The search committee draws up a list with a majority of two-thirds of the votes of its members. If the required majority is not achieved even after a third vote, which may not take place earlier than ten days after the second vote, the committee members of the Senate and the Ministry of Science submit their own proposals for half of the members each; if the University Council consists of an odd number of members, the number of seats to be filled is reduced by one seat. The list as a whole requires confirmation by the Senate with a majority of votes. If only individual members are to be selected, sentences 1, 2, 3 and 5 apply accordingly; Sentence 4 applies accordingly with the proviso that after the unsuccessful third vote, the procedure for filling a seat on the University Council is suspended until it is appealed to again by a member of the selection committee with the aim of reaching an agreement; if a university council seat is vacant for more than six months, the Ministry of Science appoints a new member or several new members after hearing the Senate and the University Council. §§ 20 and 21 LVwVfG do not apply. When selecting, confirming and appointing the members, the members of the selection committee, the Senate and the Ministry of Science ensure that the University Council is made up of personalities who, in order to ensure a variety of perspectives, belong to different areas of social life, are familiar with the university system and are familiar with areas are or were active in science, art, business or professional practice that are relevant to the tasks of the university. If a university council member has lost the trust of the Senate or the state, it can be recalled by the Minister of Science. The decision of the Senate to propose a member of the university council for dismissal requires a majority of two-thirds of the members. If the Minister of Science intends to dismiss a member of the University Council, he or she requires the consent of the Senate; Sentence 10 applies accordingly.

(5) The basic regulations regulate the number of members of the University Council; it can provide for personal terms of office for the members of the university council or fixed terms of office for the university council as a collegial body; in the case of fixed terms of office, the term of office of the members ends with the end of the term of office of the University Council; if a member resigns before the end of the term of office, a new member can be appointed for the remainder of the term of office. A university council member cannot be a member of the university council for more than nine years; deviating from this, the chairperson of the university council can be a member of the university council for twelve years, whereby a term of office may not exceed nine years. In deviation from paragraph 3 sentence 2, the basic regulations of the university can provide for a composition of the university council from external and internal members; in this case, the external members must provide the majority and chair the university council. Further regulations in the basic order are not permitted.

(6) The University Council meets in person; the rules of procedure of the university council may provide for different regulations; § 10a paragraphs 1 and 2 apply accordingly to online sessions. The meeting is not open to the public with the exception of matters according to paragraph 1 sentence 4 numbers 1 and 11. The University Council can also allow the university public in other matters according to paragraph 1. Section 10 paragraph 4 sentences 3 and 4 applies accordingly. The University Council must announce the meeting dates, agendas and important resolutions as well as its composition in a suitable manner to the university in good time. In urgent matters, the settlement of which cannot be postponed until a meeting of the University Council, the chairperson of the University Council decides in his or her place. The University Council must be convened at least three times per academic year and whenever at least half of its members request it. The members of the Rectorate, a representative of the Ministry of Science and the Equal Opportunities Officer attend the meetings of the University Council in an advisory capacity. within the framework of appropriate reporting, they are not subject to any duty of confidentiality. Rectorate members with the exception of the handling of matters according to § 18 paragraphs 1 and 2 and § 18 paragraph 4; within the framework of appropriate reporting, they are not subject to any duty of confidentiality. Rectorate members with the exception of the handling of matters according to § 18 paragraphs 1 and 2 and § 18 paragraph 4; within the framework of appropriate reporting, they are not subject to any duty of confidentiality.

(7) The activity as a member of the University Council is honorary. The external university council members receive an appropriate expense allowance. If a member of the University Council violates his or her duties, Section 48 Civil Service Tax Act and Section 59 LBG shall apply mutatis mutandis unless the member is a member of the university; for the rest, § 11 paragraph 2 sentences 2 and 3 applies accordingly. The Ministry of Science can declare the Public Corporate Governance Code of the State of Baden-Württemberg to be fully or partially applicable to the University Council and its members.

(8) Deviating from paragraph 3 and paragraph 5 sentence 1 clause 1, the University Council at the DHBW consists of the chairmen of the local university councils and the same number of members to be selected according to paragraph 4 as well as a representative of the Ministry of Science. The representative of the Ministry of Science is represented by a suitable third person to be nominated by him or her. The representative of the Ministry of Science alternates in the chair with a representative of a dual partner to be elected by the University Council; the details are regulated by the rules of procedure of the University Council. Representatives of the dual partners according to sentence 3 are the representatives of the dual partners selected according to paragraph 4 and the chairmen of the local university councils.

(9) Notwithstanding sentence 5, the Chairperson of the University Council shall form a Personnel Committee made up of three external University Council members for decisions on benefit payments pursuant to Section 38 LBesGBW. The chairperson of the University Council is a member of the Personnel Committee and heads it. The Personnel Committee is responsible for

1. the determination of benefits according to § 38 paragraph 1 number 3 LBesGBW for the performance of functions in the rectorate,
2. the determination of benefits according to § 38 paragraph 1 number 3 LBesGBW for the performance of functions within the framework of university self-administration by the members of the dean's offices, at the DHBW by the rectors of the academy, vice-rectors of the academy, other vice-rectors of the academy, heads of branch offices and heads of departments; the Rectorate makes proposals in this regard; the Committee is not bound by these proposals.

Insofar as the medical faculty is affected by determinations, the dean's office and the board of directors of the university hospital must be heard beforehand. At the DHBW, the personnel committee is made up of three university council members who may not belong to the groups according to § 10 paragraph 1 sentence 2.

(10) The university creates the administrative conditions necessary for the effective fulfillment of the tasks of the university council and provides the necessary personnel and equipment in the university budget. When selecting staff, the University Council has the right to make proposals; the staff is subject to the authority of the chairperson of the university council.

(11) The university council issues its own rules of procedure in which regulations are made, in particular regarding the chair, deputy chair and the decision on admission to the university public. If the University Council also includes internal members, it is chaired by an external member.

(12) A committee of the university council (participation committee) can be provided for in the basic regulations for all matters in connection with associations according to § 6 paragraph 5 and companies (§ 13 a). The Investments Committee advises the Rectorate and can issue statements on foundings or holdings in associations pursuant to Section 6 Paragraph 5 or companies (Section 13 a). The participation committee should include an equal number of members of the university council and the senate; the details are regulated by the basic order.

#### **§ 20 a** **Commission for Quality Assurance and** **Expert Commissions at the Cooperative State University**

(1) The Commission for Quality Assurance of the DHBW advises the bodies of the DHBW and the study academies on questions of the quality of the training and the courses. Their

recommendations extend in particular to the examination system, academic standards and national quality assurance.

(2) A specialist commission is formed for each field of study. The recommendations of the expert commissions extend to the supra-local technical matters of the study areas set up at the DHBW, in particular to the preparation of study and training plans that explain the regulations of the training and examination regulations according to § 32 paragraph 3 sentences 1 and 2 and paragraph 4.

(3) In fulfilling their tasks, the Commission for Quality Assurance and the expert commissions work closely together. The Executive Committee of the DHBW ensures that its recommendations are implemented, provided there are no important reasons to the contrary.

(4) The basic regulations regulate the composition of the commission for quality assurance and the technical commissions, the appointment of the members, their representation and term of office as well as the detailed definition of the tasks. Provision should be made for the same number of professors from the DHBW and representatives of the dual partners and at least one representative of the students to belong to a specialist commission. When filling the commission for quality assurance, at least the chairpersons of the specialist commissions and one representative each of the dual partners and the students from each specialist commission must be provided. The Commission for Quality Assurance and the specialist commissions are assigned to the Executive Committee of the DHBW.

### **Section 21** **Officers for practical school training** **at colleges of education**

At the suggestion of the Senate, the Rectorate appoints a professor from the University of Education as a representative and another professor or a member of the scientific service to act as representative for the organization of the practical school training. The representative regulates the deployment of scientific or artistic staff who work within the framework of practical school training at the training schools and training classes. She or he is entitled to take part in all events as part of the practical school training.

### **Section 3** **Decentralized organization of the university**

#### **Subsection 1** **Decentralized organization of universities,** **teacher training colleges, art colleges** **and colleges of applied sciences**

#### **§ 22** **Faculty**

(1) The faculty is the basic organizational unit of the university; it fulfills the tasks of the university without prejudice to the overall responsibility and the responsibilities of the university bodies in their area.

(2) The size and composition of the faculty must ensure that it can adequately fulfill the tasks incumbent on it. Identical or related subject areas are to be grouped together in one faculty. Only in exceptional cases may the faculty have fewer than 20 permanent positions for professors at universities, ten at colleges of education and art colleges and 16 at colleges of applied sciences.

(3) Are members of the faculty

1. those members of the scientific staff according to § 44 paragraphs 1 and 2 who are mainly active in the subjects of the faculty or in the faculty or in a higher education institution assigned to the faculty,
2. students who are enrolled in a degree program that the faculty is responsible for conducting,

3. the enrolled doctoral students whose doctorate is being carried out at the faculty,
4. the other employees who work in the faculty or in a higher education institution assigned to the faculty.

If students are enrolled in a degree program that is assigned to several faculties, they can only be selected and voted in one faculty. When you enroll, you decide in which faculty you want to be eligible and eligible to vote. The same applies if students are enrolled in two or more courses.

(4) In cases of doubt, the Rectorate decides on the affiliation to a faculty. University teachers can become members of other faculties of their own or another university through cooptation; the cooptation of university teachers from another university is carried out by the rector at the suggestion of the faculty. A co-opted member cannot be appointed dean as such. Academic employees and other employees can only belong to one faculty.

### **§ 23 Deanery**

(1) The dean's office manages the faculty. belong to the Dean's Office

1. the dean,
2. the vice dean as deputy of the dean,
3. the other vice deans, if provided for in the constitution,
4. a dean of studies who, in this function, bears the title »Prodean« or »Vice Dean«.

The basic regulations can provide for up to two additional vice deans.

(2) In the event of a tie, the Dean has the casting vote. Decisions in matters of study and teaching require the approval of the Dean of Studies.

(3) The Dean's Office is responsible for all faculty affairs, unless this law provides otherwise. After hearing the faculty council, it determines the teaching tasks of the faculty members who are obliged to teach, insofar as this is necessary to ensure proper teaching. Within the scope of the tasks of the faculty, the dean's office supervises the research and teaching facilities as well as the technology transfer facilities that are assigned to the faculty (§ 15 paragraph 7). It is responsible for the economic use of the funds allocated to the faculty for research and teaching as well as for technology transfer. The dean's office regularly informs the faculty council about all important matters, and immediately on special occasions.

1. the preparation of structure and development plans of the faculty,
2. the preparation of the draft budget or business plan,
3. the decision on the use of the positions and funds assigned to the faculty by the rectorate according to the principles of § 13 paragraph 2,
4. the proposal for the job description of positions for university teachers,
5. the evaluation matters according to § 5 paragraph 2.

### **§ 24 Dean, Dean**



(1) The dean represents the faculty. She or he is chairperson of the dean's office and the faculty council. She or he prepares the meetings and implements the resolutions. If he or she considers a decision of the faculty council or dean's office to be unlawful, he or she has to object to it and demand a remedy. The objection has a suspensive effect. If no agreement can be reached, the Rector is to be informed. He or she raises the objection or informs the Ministry of Science.

(2) Notwithstanding the tasks of the rector, the dean works to ensure that the university teachers and other persons responsible for teaching properly fulfill their teaching and examination obligations and that the members of the faculty, the scientific institutions and the operating facilities of the faculty can fulfill the tasks incumbent on them; he or she has the right to supervise and issue instructions, which in particular ensures that the recommendations of the study commission decided by the faculty council are implemented; she or he regularly reports to the Rectorate. She or he supervises the academic staff working in the faculty according to § 52 as well as the other employees.

(3) The dean is elected by the faculty council from among the full-time professors belonging to the faculty; the rector has a right of proposal that is not binding for the faculty council; In special cases, someone who is not a member of the faculty but who fulfills the requirements according to § 17 paragraph 3 sentence 1 can also be elected dean. The term of office is four years; a longer term of office of up to six years can be stipulated in the constitution. The term of office begins with the assumption of office. In the case of immediate reappointment, the new term of office follows the end of the previous one. The dean carries out his or her office as the main task. The other obligations from § 46 exist insofar as they are compatible with this. The same applies to the rights under § 46. The faculty council can vote out the dean with a two-thirds majority of its members; the rector has a non-binding right to propose the deselection of the dean. A full-time dean can be appointed by resolution of the faculty council; Article 17 paragraphs 2, 3 sentences 1, 4 and 5 as well as paragraphs 4 and 7 and Article 18 paragraph 4 apply accordingly.

(4) At the suggestion of the dean, the faculty council elects a vice-dean from among the full-time professors belonging to the faculty as a deputy for the dean. Paragraph 3 sentences 2 to 4 apply accordingly. The term of office always ends with the term of office of the dean. Sentences 1 to 3 apply accordingly to the other vice deans according to § 23 paragraph 1 sentence 2 number 3.

(5) In consultation with the study commission, the faculty council elects a study dean for each study commission from among the full-time professors and university lecturers belonging to the faculty at the suggestion of the dean. Paragraph 3 sentences 2 to 4 apply accordingly. The term of office always ends with the term of office of the dean. If more than one dean of studies is to be elected, it is also determined at the time of their election which dean of studies is a member of the dean's office.

#### **§ 24 a deselection by the group of university teachers**

(1) The members of the group of university teachers entitled to vote according to § 10 paragraph 1 sentence 2 clause 1 number 1 can terminate the office of dean prematurely by voting out if they have lost confidence in their conduct of office. The loss of confidence has occurred when the majority according to paragraph 4 is reached. Early termination requires an application (request to be voted out), which must be signed by at least 25 percent of the members of the group entitled to vote according to Section 10, paragraph 1, sentence 2, half-sentence 1 number 1, who belong to the faculty at the time of signing. The date of the signature must be recorded in each case. No more than four weeks may elapse between the first signature and the submission of the cancellation request.

(2) If the vote-out request has been approved, two consecutive working days must be set as voting days, which must be no later than six weeks after the announcement of the approval, taking into account the procedure according to paragraph 3.

(3) Before the voting is carried out, a faculty public debate is to be scheduled in a meeting of the faculty council, which is chaired by the deputy dean. At this meeting, the dean must be

given the opportunity to make a statement to the faculty council. Statements from the faculty public may be permitted. The faculty council decides on a statement on the deselection request, which is made public at the faculty.

(4) Voting takes place in a free, equal and secret ballot. The deselection is successful if the majority of the members of the faculty who are entitled to vote vote for the deselection according to § 10 paragraph 1 sentence 2 clause 1 number 1. Stricter requirements can be stipulated in the articles of association pursuant to paragraph 5. In the event of premature termination, Section 18 Paragraph 4 Sentences 6 to 8 shall apply accordingly.

(5) The Rectorate is responsible for carrying out the procedure. A statute of the university regulates the further details of the procedure including postal voting. The approval of the request for deselection, the voting days and the result of the voting must be announced immediately. The announcement takes place in accordance with a special statute in accordance with § 8 paragraph 6 sentence 1. A request to be voted out of the same dean is only possible again six months after the announcement of the result of the vote or the non-admission of the request to be voted out.

(6) A deselection procedure according to paragraphs 1 to 5 does not take place in the case of § 25 paragraph 3 if the representatives of the group according to § 10 paragraph 1 sentence 2 half-sentence 1 number 1 in the large faculty council via a for an independent deselection of the dean or the dean have a sufficient majority of the votes according to § 24 paragraph 3 sentence 8.

## **§ 25 Faculty Council**

(1) The faculty council advises on all matters of fundamental importance to the faculty. The following require the approval of the faculty council:

1. the structure and development plans of the faculty,
2. the formation, change and abolition of facilities of the faculty,
3. the study and examination regulations of the faculty; the approval requires the agreement of the responsible study committee,
4. the appointment proposals,
5. the cooptation according to § 22 paragraph 4 sentence 2.

(2) Belong to the faculty council

1. by virtue of office
  - a) the dean,
  - b) the other members of the Dean's Office in an advisory capacity,
  - c) up to five heads of scientific institutions assigned to the faculty in an advisory capacity in accordance with the basic regulations,
2. further voting members based on elections, including at least three students according to § 10 paragraph 1 sentence 2 clause 1 number 3, who are directly elected by groups; the details are regulated by the basic order.

The term of office of the elective members corresponds to the term of office specified for the representatives of the respective group in accordance with Article 19 Paragraph 2 Clause 9,

unless the Basic Regulations make a different provision. The full-time professors of the faculty can participate in the meetings of the faculty council in an advisory capacity.

(3) In accordance with the basic regulations, in deviation from paragraph 2 sentence 1 number 1 letters b and c and number 2 as well as sentence 3, all full-time professors of the faculty without election and at least six students can belong to a faculty council; the other groups are to be given due consideration; the majority of the representatives of the group according to § 10 paragraph 1 sentence 2 clause 1 number 1 guaranteed in § 10 paragraph 3 may be exceeded (large faculty council).

## **§ 26** **study commissions;** **deans of studies**

(1) The faculty council appoints one or more study commissions for tasks related to teaching and studying, each of which has a maximum of ten members in addition to the dean of studies, four of whom are students, one of whom is a member of the faculty council or the department should be and the others are proposed by the student members in the faculty council. The dean's office determines the responsibility of the study commission for individual courses. In the case of cross-faculty study commissions, the Rectorate decides on their assignment to one or more faculties. The dean of studies chairs the study committee. In the case of cross-faculty study commissions, the Rectorate decides which dean of studies is chairing. If the university is not divided into faculties or sections, the chairperson and deputy chairperson or deputy chairperson are determined by the Senate.

(2) In accordance with paragraph 1, cross-faculty and cross-course study commissions can also be formed. The non-student members have the same term of office as stipulated in § 24 Paragraph 3 Sentence 2 for the Dean, unless the Basic Regulations stipulate otherwise; at the art academies, that for senate members in § 19 paragraph 2 sentence 9 applies to their term of office.

(3) The tasks of the study commission include, in particular, developing recommendations for the further development of subjects and forms of study and the use of funds provided for study and teaching and to participate in the evaluation of teaching in accordance with § 5, including student criticism of events.

(4) The duties of the Dean of Studies include the tasks associated with teaching and studying, which he or she is assigned to perform on a permanent basis. In particular, the dean of studies has to work towards a proper and complete range of courses that corresponds to the study and examination regulations. She or he prepares the decision on the study and examination regulations. She or he coordinates the course advisory service and provides a remedy for complaints in the course of studies and examinations.

(5) Students have the right to inform the responsible dean of studies of deficiencies in the implementation of teaching and study activities or non-compliance with the provisions of the study and examination regulations and to request that the complaint be discussed in the responsible study committee. Applicants are to be informed of the outcome of the consultation.

## **Section 27** **Faculty of Medicine**

(1) The medical faculty fulfills its tasks in close cooperation with the university hospital. It makes decisions that affect the tasks of the university hospital in consultation with the latter, unless consent is required under this law. The agreement with decisions of the university hospital according to § 7 paragraph 1 UKG can be refused if significant disadvantages for the tasks of the medical faculty are to be feared.

(2) The medical faculty is run like a state enterprise according to § 26 paragraph 1 LHO. It manages its budget within the framework of decentralized financial responsibility on the basis of a business plan that is drawn up annually before the start of the budget year and reported to the Rectorate and the Ministry of Science. The business plan must not show a deficit. In budgetary matters, resolutions can only be passed with the approval of the dean. Deviating from § 16 paragraph 2 sentence 4, the representative for the budget of the medical faculty is

appointed by the Ministry of Science; he or she has the right to object in accordance with Section 16 (2) sentences 6 to 8. Should a managing director of the medical faculty take on this task,

(3) Instead of the dean of studies according to § 23 paragraph 1 sentence 2 number 4 belong to the dean's office

1. the dean of studies responsible for the study of human medicine,
2. the Chief Medical Director,
3. the commercial director with an advisory vote.

At least one member of the Dean's Office must belong to a non-clinical subject.

(4) In addition to the tasks according to § 23 Paragraph 3 Sentence 6, the Dean's Office is responsible for the following tasks in particular:

1. Decision on the use and allocation of the positions and funds according to the principles of § 13 paragraph 2,
2. Establishment of principles for the distribution and use of the state subsidy for teaching and research as well as the establishment of the equipment plans,
3. Preparation of the draft budget, the business plan and the annual financial statements including the management report for the medical faculty; the management report must provide information in particular about the positions and funds allocated to the individual institutions, their use and the achievements in research and teaching; In particular, the business plan must show funds for the central available reserves of the dean's office and, in coordination with the rectorate of the university, for cross-faculty projects; the auditor is appointed by the supervisory board of the university hospital in agreement with the university council,
4. Decisions on the planning and implementation of construction measures as well as on the allocation of land and rooms,
5. Declaration of conduct or agreement to decisions of the university hospital according to § 7 paragraph 1 UKG,
6. Statement on agreements between the university and the university hospital in accordance with § 7 paragraph 2 UKG.

For matters according to § 23 paragraph 3 sentence 6 numbers 1 and 4, the consent of the university hospital is required, as far as concerns of patient care are concerned.

(5) Deviating from § 25 paragraph 2 sentence 1 number 2, the faculty council consists of 26 voting members due to elections

1. 14 members of the group of university lecturers according to § 10 paragraph 1 sentence 2 clause 1 number 1 of the university, of which at least six must be department heads; at least two professors must belong to one surgical and one conservative subject and one to a clinical-theoretical and a non-clinical subject as well as dentistry, who can also be heads of departments,
2. four representatives of the academic staff,
3. another employee,

4. a total of seven students according to § 10 paragraph 1 sentence 2 clause 1 numbers 3 and 4.

(6) In addition to the measures according to § 25 paragraph 1, the approval of the faculty council is also required

1. the principles for the distribution and use of the state grant for teaching and research,
2. the draft budget estimate, the business plan and the annual accounts including the management report.

(7) The rector's proposal according to § 24 paragraph 3 sentence 1 is made in consultation with the supervisory board of the university hospital.

## **Subsection 2 Decentralized organization of the dual university**

### **§ 27 a study academies**

(1) Deviating from § 15 paragraphs 3 to 5, the DHBW is divided into the local study academies as legally dependent local sub-units. Each study academy is divided into study areas, which are called »Faculty« with the addition of a technical supplement. They are not faculties within the meaning of § 15. Each area of study is supervised by a head of study, and each course by a head of study.

(2) The executive committee of the DHBW is represented at each study academy by a rector of the study academy; She or he performs the tasks assigned to her or him by this law or by the Executive Committee of the DHBW in the study academy. She or he prepares the meetings of the local university council and the local senate and implements the resolutions. She or he is entitled to take part in the meetings of all committees of the study academy and to be present when exams are conducted. If he or she considers a resolution of the local university council or the local senate to be unlawful, Section 24 paragraph 1 sentences 4 to 7 shall apply accordingly. She or he regularly informs the Executive Committee of the DHBW, the local senate and the local university council about all important matters,

(3) The executive committee publicly advertises the position of rector of the Studienakademie in consultation with the chairperson of the local university council and, after hearing the local senate, makes a nomination to the local university council with up to three names. The election proposal requires the agreement of the Ministry of Science. The local university council elects a rector of the academy within six weeks of receiving the nomination. The election requires confirmation by the University Council and the Senate. If the election does not take place within six weeks, the university council decides whether it wants to carry out the election or whether the election process is to be ended and the position is to be advertised again. If he conducts the election, the result must be confirmed by the Senate.

(4) Section 17 paragraph 2 sentence 1 and paragraph 3 sentence 1 apply accordingly to the rector of the Studienakademie. They are not rectors within the meaning of Section 16 Paragraph 1. The term of office is six years. Section 17 paragraph 2 sentences 3 to 5 applies accordingly. § 17 paragraph 4 applies accordingly with the proviso that the obligation to hold courses and participate in examinations is only suspended to the extent that the President of the DHBW, taking into account the duties associated with the office of rector of the academy loads determined. The office of rector of the academic academy can be terminated prematurely in accordance with Article 18 Paragraph 4; this applies with the proviso that the local university council and the local senate are also to be heard. If the local senate proposes the deselection of the rector of the academy with a majority of three quarters of its members, the parties involved have to decide on this proposal within the meaning of § 18 paragraph 4 sentence 1. The rector of the study academy is excluded from participation in the hearing of the local senate according to sentence 6, clause 2 and the decision of the local senate according to sentence 7.

(5) The rector of the academy has a full-time deputy (pro-rector of the academy) who also heads a field of study. The rector of the academy can delegate a specific business area to the pro-rector of the academy for permanent management. She or he can issue instructions to the Prorector of the Studienakademie in general or on a case-by-case basis. Paragraph 2 sentence 3 applies accordingly to the pro-rector of the study academy within the scope of his or her area of responsibility.

(6) In academies with more than 2000 students, an additional vice-rector of the academy is appointed or appointed, who at the same time heads a field of study. In this case, the rector of the academy determines the order in which he or she is represented. Paragraph 5 sentences 2 to 4 apply accordingly.

(7) The pro-rector of the academy, the additional pro-rector of the academy according to paragraph 6, the head of a branch office and the head of the study area (§ 27 d) are appointed by the local university council on the basis of an election proposal elected by the Executive Committee of the DHBW, which requires the consent of the rector of the academy; paragraph 4 sentences 1, 4 and 5 shall apply accordingly to the officials according to clause 1. Their term of office is six years. The basic regulations regulate the details, in particular with regard to the identification and selection process; the local senate and the specialist commission responsible for the subject at least have the right to comment on the election proposal of the persons to be elected in accordance with sentence 1.

(8) The head of the local administration supports the Executive Committee of the DHBW and the rector of the academy in fulfilling their tasks and is bound by their instructions; the head of the local administration can be called "administrative director" and the head of the local administration can be called "administrative director".

(9) The Center for Advanced Studies (CAS) of the DHBW is a central institution according to Section 15 Paragraph 8. A head is appointed for the CAS. She or he represents the executive committee in the CAS and heads it in accordance with the basic rules and the specifications of the executive committee. The Presidential Board publicly advertises the position of Head of CAS in consultation with the Chairperson of the University Council and, after hearing the Senate, makes a nomination with up to three names to the University Council, which elects the Head of CAS. The election proposal requires the agreement of the Ministry of Science. A selection committee can be set up to prepare for the election; the details are regulated by the basic order. Paragraph 3 sentence 7 applies accordingly. The CAS is divided into departments, set out in the basic rules. These are involved in the commissions according to § 20a in accordance with the basic regulations. The management of the departments is the responsibility of the department heads. The department heads carry out the tasks in the CAS according to § 27 d paragraph 1 sentence 1. Paragraph 5 sentences 2 and 3 apply to you accordingly. The heads of the CAS and the department heads are civil servants on a temporary basis. Paragraph 4 sentences 1 and 3 to 5 apply accordingly. Paragraph 5 sentences 2 and 3 apply to you accordingly. The heads of the CAS and the department heads are civil servants on a temporary basis. Paragraph 4 sentences 1 and 3 to 5 apply accordingly. Paragraph 5 sentences 2 and 3 apply to you accordingly. The heads of the CAS and the department heads are civil servants on a temporary basis. Paragraph 4 sentences 1 and 3 to 5 apply accordingly.

#### **§ 27 b** **Local University Council**

(1) A local university council is formed at each study academy. His duties include:

1. Approval of regulations according to § 27 c paragraph 1 sentence 3 number 1 letter b,
2. Proposals for the establishment, change or cancellation of degree programs at the respective location,
3. Decisions on questions regarding the admission of dual partners, provided that the admission is not based on Section 16 subsection 3 sentence 2 number 20,
- 4.

Regulation of the cooperation between the study academy and the dual partners; this includes in particular:

- a) Coordination of studies at the study academy and training at the dual partners,
  - b) Coordination of the study capacities at the study academy and the training capacities of the dual partners, if necessary determining the extent of the participation of the individual dual partners; If the training requirements of the dual partners involved exceed the study capacity specified in Section 16 Paragraph 3 Clause 2 Number 19 and attempts at coordination are unsuccessful, the local university council decides on the upper limit for the participation of the individual dual partners, taking into account the criteria of the DHBW Executive Committee in accordance with Section 16 Paragraph 3 sentence 2 number 19,
  - c) Measures to maintain and gain training places,
  - d) Implementation of the eligibility principles established for the admission of dual partners as well as preparation and updating of a list of suitable dual partners,
5. Proposals for the appointment of honorary senators,
  6. Election of the rector of the academy according to § 27 a paragraph 3 sentence 3 as well as the officials according to § 27 a paragraph 7 sentence 1 half sentence 1.

(2) The local university council consists of:

1. the rector of the academy,
2. the vice-rector of the academic academy,
3. the additional pro-rector of the study academy, if appointed or ordered,
4. the head of a branch office, if appointed or commissioned,
5. the heads of study areas,
6. the head of the local administration,
7. one full-time member of the teaching staff for each field of study,
- 8th. two representatives of the participating dual partners for each field of study,
9. as many other representatives of the dual partners involved until the total number of representatives of the study academy according to numbers 1 to 7 is reached,
- 10 one student representative for each field of study.

(3) The representatives according to paragraph 2 numbers 8 and 9 are represented by the dual partners involved, the representative according to paragraph 2 number 10 by the students of the field of study and the representatives of the fields of study according to paragraph 2 number 7 by the Members of the local senate according to § 27c paragraph 2 number 2 letter a from their circle.

(4) The term of office of the student representatives is one year, that of the members according to Paragraph 2 Numbers 7 to 9 is four years. A member of the Local University Council cannot serve on the Local University Council for more than nine years. The members

have deputies; Section 10 paragraph 6 sentence 2 applies accordingly. Deviating from § 9 paragraph 8, the electoral regulations can also provide for an election based on the principles of majority voting.

(5) The local university council elects a chairperson and his or her deputy from among its members for a period of two years. The chairperson must be a member in accordance with paragraph 2 number 8 or 9, and their deputy must be a member in accordance with paragraph 2 number 7.

(6) Personalities who have made a special contribution to the DHBW can be awarded the title »Honorary Senator (eh)« or »Honorary Senator (eh)« by the DHBW Executive Committee at the suggestion of the local university council.

### **Section 27c Local Senate**

(1) A local senate is formed at each study academy. The local senate ensures cooperation within the study academy. He has the following tasks:

1. resolution on
  - a) Basic questions of teaching and study within the framework of the applicable training and examination regulations,
  - b) the site-specific content of the study and training plans and the associated examination regulations within the framework specified by the central bodies,
2. Resolution on the study plans and the equality plan,
3. Participation in planning the further development of the study academy,
4. approval of appointment proposals,
5. Proposals for the award of the title »honorary professor« or »honorary professor«,
6. Proposals for the establishment, change or cancellation of degree programs,
7. coordination of the work of the study areas,
- 8th. Statement on the proposal of the Executive Committee of the DHBW according to § 27 a paragraph 3 sentence 1 on the nomination for the election of the rector of the academy,
9. Participation in accordance with Section 27a Paragraph 7 Clause 3 Clause 2 in the election of officials in accordance with Section 27a Paragraph 7 Clause 1 Clause 1.

(2) The local senate consists of:

1. by virtue of office
  - a) the rector of the academy as chairperson or the rector of the academy as chairperson,
  - b) the pro-rector of the academic academy in an advisory capacity,
  - c) with an advisory vote, the additional pro-rector of the study academy, if appointed or ordered,
  - d) in an advisory capacity, the heads of the departments,



- e) with an advisory vote, the head of a branch office, if appointed or commissioned,
- f) the head of the local administration in an advisory capacity,

2. because of elections

- a) up to five members of each field of study who belong to the group according to § 10 paragraph 1 sentence 2 clause 1 number 1 and who are elected by the members of this group in the field of study according to the principles of majority voting,
- b) two members of each field of study, one of whom belongs to the group according to § 10 paragraph 1 sentence 2 half sentence 1 number 2 and one to the group according to § 10 paragraph 1 sentence 2 half sentence 1 number 3 and who are elected by the members of the respective group in the field of study,
- c) one member per field of study who belongs to the group according to § 10 paragraph 1 sentence 2 clause 1 number 5 and who is elected by the members of this group at the study academy.

(3) The members according to paragraph 2 number 2 are elected for four years, the members of the group of students, deviating from this, for one year; Deviating from § 9 paragraph 8, the electoral regulations can also provide for elections according to the principles of majority voting for the members according to paragraph 2 number 2 letters b and c. The election regulations also regulate the number of members according to paragraph 2 number 2 letter a and the election procedure. The members have deputies; Section 10 paragraph 6 sentence 2 applies accordingly.

### **§ 27 d**

#### **management of the study areas and courses**

(1) The heads of the departments ensure that the course of study in the degree programs assigned to the department is organized in an orderly manner. The head of the department is a civil servant on a temporary basis. Heads of study areas are referred to as "dean" unless they are also vice-rectors of the academy (§ 27 a paragraph 5 sentence 1); if deputy heads of departments are appointed, they are referred to as "Prodean" or "Prodean".

(2) In addition to the tasks according to § 46, the course directors are responsible for the content and didactic design of the course offer as well as the organization of the course and the examination system of the assigned course. Her main job duties also include

- 1. Winning dual partners and checking their suitability for training
- 2. to advise and support the dual partners involved,
- 3. Recruiting, supervising and advising lecturers according to § 56,
- 4. to supervise and advise the students of the course assigned to them and
- 5. carry out the evaluation according to § 5 and take suitable measures for quality assurance and improvement.

The heads of degree programs inform the responsible head of degree program and the organs of the academy about the main decisions and results in the performance of their tasks. They are appointed for a limited period by the rector of the academy at the suggestion of the local senate. If several degree programs are combined into a degree program group, the head of this group uses the designation »Dean of Studies« or »Dean of Studies«.

(3) Heads of study areas, deputy heads of study areas and heads of a study program group are not deans, vice-deans and deans of studies within the meaning of Article 24.

**§ 27 e**  
**deselection by the group of university teachers**

(1) The members of the group of professors who are entitled to vote according to Section 10 paragraph 1 sentence 2 clause 1 number 1 can terminate the office of rector of the academy prematurely by voting out if they have lost confidence in their conduct of office. The loss of confidence has occurred when the majority according to paragraph 4 is reached. Early termination requires an application (request to be voted out), which must be signed by at least 25 percent of the members of the group entitled to vote according to Section 10 paragraph 1 sentence 2 clause 1 number 1 who belong to the academy at the time of signing. The date of the signature must be recorded in each case. No more than four weeks may elapse between the first signature and the submission of the cancellation request.

(2) If the vote-out request has been approved, three consecutive working days must be set as voting days, which must be no later than six weeks after the announcement of the approval, taking into account the procedure according to paragraph 3.

(3) Before voting is carried out, a public debate within the academy must be scheduled in a meeting of the local senate, which is chaired by the full-time deputy rector of the academy. At this meeting, the rector of the study academy must be given the opportunity to make a statement to the local senate. Statements from the university public associated with the study academy can be permitted. The local senate decides on a statement on the deselection request, which is to be made known to the university public belonging to the study academy.

(4) Voting takes place in a free, equal and secret ballot. The deselection is successful if the majority of the members of the academy who are entitled to vote vote for the deselection according to § 10 paragraph 1 sentence 2 clause 1 number 1 and this majority is reached in at least half of all study areas of the academy. Stricter requirements can be stipulated in the articles of association pursuant to paragraph 5. In the event of premature termination, Section 18 Paragraph 4 Sentences 6 to 8 shall apply accordingly.

(5) The DHBW Executive Committee is responsible for deciding whether to allow the request to be voted out and for carrying out the procedure. A statute of the DHBW regulates the further details of the procedure including postal voting. The approval of the request for deselection, the voting days and the result of the voting must be announced immediately. The announcement takes place in accordance with a special statute in accordance with § 8 paragraph 6 sentence 1. A request to vote out the same rector of the academy is possible again at the earliest six months after the announcement of the result of the vote or the non-admission of the request to vote out.

**Section 4**  
**Information Supply**

**§ 28**  
**Information supply**

(1) The universities guarantee the best possible supply of information to all members and affiliates of the university. The universities use the opportunities and changes brought about by digitization at all levels and in all areas and operate appropriate information management. When providing information, the universities take into account the interests of members and relatives with disabilities or chronic illnesses.

(2) Information provision according to paragraph 1 includes the availability of information of any kind, in particular literature, other media, services and systems, as well as the planning, development, coordination, administration and operation of services and systems.

(3) The universities form the information supply

1. a unified information center or
2. a coordinated structure of library and data center.

The information center or the library and the computer center are central operating facilities that are managed directly by the Rectorate. The Rectorate can transfer the supply of information for individual, defined areas and services to other offices.

(4) The universities participate in cross-university associations and institutions for the provision of information and use the services of the library service center. They work together in a cooperative service network with the Baden State Library in Karlsruhe and the Württemberg State Library in Stuttgart in accordance with Section 6. This applies in particular when the state libraries contribute to the supply of information at the universities by providing media and take on the task of conveying information and providing places of learning for them.

(5) The universities enable the members of their academic staff to make secondary publications in accordance with Section 44 (6) by maintaining repositories, participating in such repositories or ensuring access to suitable third-party repositories.

### **PART 3**

#### **Studies, teaching and exams**

##### **Section 29**

##### **Studies; graded study structure (Bachelor and Master courses)**

(1) Teaching and studies should prepare students for a professional activity or further qualify them in a professional activity in accordance with the tasks of the university according to § 2 paragraph 1; Section 38 remains unaffected. The knowledge, skills and methods required for this should be taught in accordance with the respective degree program in such a way that the students are enabled to carry out scientific or artistic work and to act responsibly in a free, democratic and social constitutional state.

(2) The first degree in a university degree is the bachelor's degree, which is the standard degree. Bachelor's degrees conclude undergraduate courses that impart scientific principles, methodological skills and job-related qualifications. They confer the same entitlements as the previous diploma degrees from universities of applied sciences. Master's degrees are further degrees that complete degree programs that deepen, broaden, expand interdisciplinary or supplement other subjects (consecutive master's degree programs). Master's degrees confer the same entitlements as the previous diploma and master's degrees from universities and equivalent universities. Irrespective of Section 34 Paragraph 1, no more Diplom and Magister courses will be set up.

(3) The study periods in which a university degree can be obtained (standard period of study) are to be provided for in the examination regulations. The standard period of study includes periods of an internship that is part of the course, practical study semesters, training at the DHBW with the dual partners and examination periods. The standard period of study is for courses leading to a university degree

1. Bachelor at least three and at most four years,
2. Bachelor's degree at the DHBW, including training with the dual partners, usually a maximum of three years,
3. Master's at least one year and at most two years.

In the case of graduated courses leading to a bachelor's degree and a consecutive master's degree, the total standard period of study is a maximum of five years. Standard periods of study that go beyond this may be set in particularly justified cases, in particular for courses in the field of art and music at art colleges and for part-time courses in accordance with Section 30 Paragraph 3.

(3a) For students who are enrolled in the 2020 summer semester or the 2020/2021 winter semester, the standard period of study differs from the standard period of study and is extended by one semester for each of these semesters; the Ministry of Science can extend this regulation to additional semesters by statutory order. In the case of students on leave of

absence, the Rectorate regulates whether the extension according to sentence 1 applies, depending on the reasons for the leave of absence and the situation at the university.

(4) The academic year is divided into semesters. After hearing the universities concerned, the Ministry of Science can set the start and end of the lecture period. The universities can stipulate in their statutes that first-year students are only admitted to the course once a year.

(5) The DHBW combines studying at a study academy with practice-oriented training at the participating dual partners (dual system). The examination at the DHBW is used to determine whether the examinee has the necessary theoretical and practical knowledge and is familiar with the essential training content taught by the dual partner. The students of the DHBW are obliged to attend the courses regularly and to undergo the prescribed performance controls and examinations.

### **Section 30 courses of study**

(1) A course of study is a course of study that is regulated by study and examination regulations and is geared towards a specific degree (university degree, state examination, church degree). Undergraduate courses are courses that lead to a first degree within the meaning of sentence 1.

(2) If students have to choose several subjects from a larger number of permissible subjects for the course due to the relevant study and examination regulations, each of these subjects is a partial course. The regulations for the degree program apply to the sub-degree program accordingly.

(3) Part-time courses represent a special organizational offer, in which the living conditions of students with children and relatives in need of care as well as of employed persons are taken into account. The universities should organize other courses in such a way that they can be studied part-time (individual part-time); the university can make more detailed regulations through statutes, in particular with regard to the scope of individual part-time work and the group of beneficiaries.

(4) The establishment, modification or cancellation of a course requires the approval of the Ministry of Science. The approval requirement according to sentence 1 does not apply if the measure is included in a structural and development plan of the university that has been approved by the Ministry of Science. Changing or canceling a course of study is only permissible if it is guaranteed that the students enrolled in the course of study can complete their studies at this or another university. Bachelor's and master's degree programs are generally approved by the Accreditation Council according to Article 9 of the State Treaty between the State of Baden-Württemberg, the Free State of Bavaria, the State of Berlin, the State of Brandenburg, the Free Hanseatic City of Bremen, the Free and Hanseatic City of Hamburg, the State of Hesse, the State Mecklenburg-West Pomerania, the State of Lower Saxony, the State of North Rhine-Westphalia, the State of Rhineland-Palatinate, Saarland, the Free State of Saxony, the State of Saxony-Anhalt, the State of Schleswig-Holstein and the Free State of Thuringia on the organization of a joint accreditation system for quality assurance in studies and teaching to be accredited at German universities (interstate study accreditation agreement) (accreditation council). This does not apply if and to the extent that the university has obtained system accreditation from the Accreditation Council; Requirements within the framework of the system accreditation for the accreditation of individual study programs must be observed. the State of Schleswig-Holstein and the Free State of Thuringia via the organization of a joint accreditation system for quality assurance in studies and teaching at German universities (Study Accreditation State Agreement) (Accreditation Council). This does not apply if and to the extent that the university has obtained system accreditation from the Accreditation Council; Requirements within the framework of the system accreditation for the accreditation of individual study programs must be observed. the State of Schleswig-Holstein and the Free State of Thuringia via the organization of a joint accreditation system for quality assurance in studies and teaching at German universities (Study Accreditation State Agreement) (Accreditation Council). This does not apply if and to the extent that the university has obtained system accreditation from the Accreditation Council; Requirements within the

framework of the system accreditation for the accreditation of individual study programs must be observed.

(5) The faculty and the study academy can restrict the right to participate in courses or make access to a study section dependent on the completion of certain academic achievements, at the DHBW also on the completion of certain training achievements with the dual partner or the passing of an examination, if otherwise proper training could not be guaranteed or the restriction is necessary for other reasons of research, teaching, dual training or health care. If students have to be distributed to different training locations as part of their studies, the distribution takes place according to the location preferences of the students and, if necessary, above all according to the social, especially family and economic reasons that are decisive for the choice of location.

### **§ 30a**

#### **Animal protection in teaching**

(1) In teaching, the use of animals killed for this purpose should be avoided if scientifically equivalent teaching methods and materials are available or the professional qualification intended for the course of study permits this.

(2) Universities shall develop teaching methods and materials to further avoid and reduce the use of animals while guaranteeing academic freedom.

(3) Degree programs are to be designed in such a way that animals are not used to practice skills and to illustrate biological, chemical and physical processes, provided scientifically equivalent methods are available. If scientifically equivalent methods are available, students are to be admitted to the final examination if they have completed the required coursework and examinations in accordance with these methods. If a degree course does not meet the requirements of sentence 1, the students are to be admitted to the final examination without having to complete coursework and examinations in which animals are used to practice skills and to illustrate biological, chemical and physical processes.

### **§ 31**

#### **Continuing education**

(1) The universities should offer scientific and artistic further education in the form of further education courses and contact studies. The scientific and artistic further training requires curricular and didactic concepts that tie in with the professional experience of the participants. Together with the dual partners involved, the DHBW is to develop opportunities for scientifically-related and at the same time practice-oriented vocational training in the dual system.

(2) A continuing education bachelor's degree is an undergraduate degree that

1. is aimed at people who have already acquired vocational training in secondary education,
2. connects to the knowledge and skills acquired in this vocational training, builds on them, deepens and expands them and
3. adapts to the learning situation of this group of people, in particular through digital offers, distance learning parts or offers in off-peak times.

(3) Advanced master's degree programs and other advanced degree programs that require at least a degree in an undergraduate degree generally require practical work experience of no less than one year, take this into account in terms of content and build on it; Section 29 paragraph 3 sentence 3 number 3 and sentence 5 applies accordingly. At art colleges, further education courses within the meaning of sentence 1 also include courses that serve to deepen free artistic skills. Students of such courses at the academies of fine arts have the right to take part in all courses. The senate of the art academy can appoint students in courses within the meaning of sentence 2 to master students.

(4) The universities can commission non-university educational institutions to carry out teaching within the framework of further education courses. A contract, which requires the approval of the Ministry of Science, must be used to ensure that

1. the teachers employed by the non-university educational institution meet at least the requirements of § 56 paragraph 2 sentence 1,
2. The university alone is responsible for determining the content, didactics, structure, capacity and time of the courses offered within the framework of the relevant study and examination regulations and
3. the teaching provided by the non-university educational institution is included in the quality management according to § 5 paragraph 1 as well as in the internal and external evaluations of the university according to § 5 paragraph 2.

(5) The contact studies serve to deepen scientific or artistic knowledge and supplement practical professional experience. The regulations on degree programs do not apply. The universities should issue a certificate for participation in contact studies after successful completion of a final examination. Contact studies can be organized under private law. The universities regulate the structure of the contact studies; in the case of the public-law structure of the contact studies, this is done by the statutes. Universities can also conduct contact study events with institutions outside the university sector on the basis of cooperation agreements. The cooperation agreement must ensure that the university is responsible for developing the content and didactics of the courses on offer, conduct examinations and issue a joint certificate. In addition, it must be ensured that the cooperating institution undertakes to organize, offer and carry out the further education events on its own responsibility and to pay the university an appropriate fee for its services. The implementation of courses within the framework of such cooperation agreements is not usually part of the official duties of the teaching staff at the universities.

## **Section 32**

### **Examinations; examination regulations**

(1) The degree is completed by a university, state or church examination; in bachelor's and master's courses, the examinations take place during the course (module examinations). Only those who are enrolled in the course in question and have not lost the right to take examinations for the course in question can be admitted to an examination.

(2) Coursework and examinations are to be evaluated on the basis of a credit point system that allows crediting of achievements to the same or related courses of study at the same or other universities. In the case of contact studies, credit points (ECTS) can be awarded for coursework and examinations.

(3) University examinations are taken on the basis of examination regulations that are issued as statutes and require the approval of the rector. Approval is to be refused if the examination regulations

1. violates a law,
2. provides for a standard period of study that is incompatible with §§ 29, 31 or 34,
3. does not provide any protective provisions in accordance with the Maternity Protection Act or the periods of statutory parental leave and does not enable their use; it must allow flexible deadlines if the special needs of students with children or relatives in need of care within the meaning of Section 7 (3) of the Caregiver Leave Act require this, or
4. does not take into account the special needs of students with disabilities or chronic illnesses to ensure equal opportunities.

It can be refused for important reasons, in particular if the examination regulations do not correspond to a recommendation or agreement made jointly by the federal states, which is intended to guarantee the equivalence of corresponding coursework and examinations as well as degrees and the possibility of changing universities. The Ministry of Science can request changes to the applicable examination regulations if they do not meet the requirements of sentences 2 and 3.

(4) The examination regulations contain regulations on the examination procedure and the examination requirements, in particular on

1. the standard period of study (§§ 29, 31 and 34), the examinations and the modules required to complete the course, including the required credit points, the degree and the diploma supplement (explanation of the course),
2. the examiner authorization; at the DHBW also about the appointment of relatives of the dual partners as examiners,
3. the evaluation of examination performances, the determination of the overall examination result and the consequences of violations of examination regulations,
4. the requirements for admission to the examination,
5. Disadvantage-compensating regulations for students in special circumstances, in particular students with disabilities or chronic illnesses, on maternity leave, with children or with relatives in need of care,
6. the repetition of the examination and the possibility of repetition; Measures to organize the study should ensure that it is generally possible to repeat the study within a period of six months. the university can also provide for the repetition of an examination to improve grades,
7. the procedure for the crediting of competencies in accordance with § 35 paragraph 3 to the competencies to be proven according to the examination regulations,
- 8th. the practical activities and at the DHBW about the completion of the planned training sections with the dual partners as a prerequisite for admission to examinations as well as the proportions of the studies in the study academy in relation to the training with the dual partners.

(5) The universities ensure the success of their studies by accompanying the students at an early stage, especially in the introductory phase. The universities can set deadlines in the examination regulations for the provision of coursework or examinations. The examination entitlement is lost if a student has definitively not passed a course or examination required by the examination regulations or has not completed it on time, unless the student is not responsible for exceeding the deadline. The universities can set a deadline in their examination regulations by which all study and examination achievements required for the degree according to the study and examination regulations must be completed; this period may end at the earliest three semesters after the specified standard period of study. If this period is exceeded, sentence 3 applies accordingly.

(5a) For students who are or were enrolled in a degree program in the 2020 summer semester, the 2020/2021 winter semester, the 2021 summer semester or the 2021/2022 winter semester, the deadlines for completing semester-related coursework and examinations in this degree program are extended for each of these semesters by one semester, in total by a maximum of three semesters. The same applies to the period according to Paragraph 5 Clause 4 Half Clause 2. Clauses 1 and 2 do not apply to students at universities according to § 69. The Ministry of Science can issue statutory orders to extend the study and examination periods in accordance with Clauses 1 and 2 for students as well who are or were enrolled in this course in later semesters.

(6) An activity as an elected member in statutory committees or statutory bodies of the university or student union for at least one year can be disregarded when calculating the examination deadlines for up to one academic year; the rector makes the decision.

### **§ 32a** **online exams**

(1) Examinations that are performed using electronic information and communication systems (online exams) are regulated by the universities through the examination regulations according to § 32. Online exams that are performed in text form, oral or practical, which are carried out under video supervision, are permitted in accordance with paragraphs 3 to 6 and Section 32b. Examinations according to Clause 2 are voluntary unless they are conducted on the university premises or in test centers. Voluntary participation can be ensured in particular by offering an on-site examination at the same time as an alternative, insofar as this is legally permissible.

(2) Only electronic information and communication systems operated by the university or by third parties on its behalf are permitted for the online examination. The use of private end devices in the context of the online exam remains unaffected. When using the information and communication systems according to sentence 1, personal data may be processed insofar as this is necessary for the online examination.

(3) The students must be informed about the conduct of online examinations under video surveillance; the information should be provided before the time of registration. This includes information about

1. the processing of their personal data,
2. the technical requirements for the electronic information and communication systems, in particular to ensure image and sound transmission sufficient for video surveillance or the video conference, as well as for the internet connection,
3. the organizational conditions for a proper examination and
4. the voluntariness of participating in an online exam under video surveillance and the time up to which you can withdraw from the online exam.

The university should give the candidate the opportunity to try out the general conditions of the online exam in terms of technology, equipment and spatial environment in good time before the exam.

(4) Before the start of an online examination under video surveillance, the examinee must prove his or her identity upon request, in particular by showing an official photo ID or a student ID with a photo.

(5) Online examinations in text form under video supervision are usually carried out by academic staff of the university within the meaning of Article 44; oral or practical online exams under video supervision are conducted as video conferences. In order to prevent acts of cheating, the examinee is obliged to activate the camera and microphone function of the communication devices used for supervision in online examinations under video supervision, insofar as this is necessary for the examination format. In the case of examinations outside the university and test centers, the examinees must ensure when choosing the examination location and the alignment of the camera and microphone that no images or sounds of third parties are transmitted. Any further room monitoring does not take place. Leaving the seat for a short time is permitted at the request of the examinee. Incidentally, video surveillance must be set up in such a way that the protection of personality and the private sphere of those affected are not restricted more than is necessary for legitimate control purposes.

(6) A recording of the examination or other storage of the image or audio data is not permitted unless it is necessary for the transmission of the online examination under video surveillance; the connection data must be deleted immediately. The provisions of the examination regulations for the examination protocols remain unaffected.



### **Section 32 b** **Technical fault**

(1) If the transmission of the examination task, the processing of the examination task, the transmission of the examination performance or the video supervision at the time of the examination in an online examination under video supervision is demonstrably technically not feasible, the examination will be ended at the respective stage and the examination performance will not be evaluated. The attempt at the examination is deemed not to have been taken.

(2) If the image or sound transmission during an online examination under video surveillance is demonstrably temporarily disrupted, the examination will be continued after the disruption has been rectified. If the technical fault persists so that the examination cannot be continued properly according to the assessment by the examiner, paragraph 1 sentences 1 and 2 apply accordingly.

### **§ 33** **External examination**

The universities, teacher training colleges, universities of applied sciences and the DHBW can conduct examinations for non-matriculated students and take course-related performance records for them, provided that these are part of such an examination (external examination); the decision on this is made by the Rectorate. A prerequisite for this is

1. a sufficiently broad representation of the respective subject, including the required professional examination competence of the full-time scientific staff at these universities,
2. cooperation with one or more educational institutions that ensure that those interested in an external examination are properly prepared; External examinations in connection with the respective preparatory programs of these educational institutions must be accredited or certified by the Accreditation Council or by an agency approved by the Accreditation Council, applying the criteria from Article 2 of the Interstate Study Accreditation Treaty and the statutory ordinances according to Article 4 paragraphs 1 and 2 of the Interstate Study Accreditation Treaty; an appropriate fee for the services provided by the university must be agreed in the cooperation agreement; in the case of system-accredited universities, the accreditation can be carried out by the university,
3. Ensuring at least the requirements of § 56 paragraph 2 sentence 1 for the teachers used in the preparatory program.

Only those who have completed a preparatory program at an educational institution in accordance with sentence 2 number 2 and who meet the requirements for university admission are admitted to the external examination. For the accreditation or certification according to sentence 2 number 2, § 30 paragraph 4 sentence 5 applies accordingly.

### **§ 34** **Special regulations for state examination courses, church and artistic courses and teacher training courses**

(1) Section 29 (2) does not apply to degree programs that end in whole or in part with a state examination (state examination degree programs), full degree programs in theology with an ecclesiastical or academic degree, degree programs in liberal arts at art academies, degree programs in design at the State Academy of Fine Arts in Stuttgart and the courses at the State University of Design in Karlsruhe.

(2) Deviating from § 29 paragraph 3, the standard period of study in state examination courses is based on a regulation according to paragraph 4. Otherwise, the standard period of study in courses according to paragraph 1 at universities and art colleges is up to five years. Section 29 paragraph 3 sentence 5 applies.

(3) In courses of study according to paragraph 1, the universities can provide for a preliminary or intermediate examination in the examination regulations if a preliminary or intermediate examination is not to be carried out according to state or church examination regulations. Insofar as the universities issue preliminary or intermediate examination regulations as statutes for degree programs with a state degree, the approval of the rector according to § 32 paragraph 3 sentence 1 requires the agreement of the ministry responsible for the final examination. The examination entitlement for the preliminary or intermediate examination or for individual examinations of the preliminary or intermediate examination is lost, if these examinations have not been successfully completed within two semesters after the expiry of the deadlines specified in the respective examination regulations for the first completion of the examinations, unless the student is not responsible for exceeding the deadline; Section 32 paragraph 5a sentence 1 applies accordingly.

(4) Statutory ordinances under state law on state examinations that complete a course of study are issued in agreement with the Ministry of Science; Section 32 paragraphs 2, 3 sentence 2 numbers 3 and 4 and paragraphs 5, 5a and 6 apply to these examinations accordingly. The provisions of the Legal Education Act and the legal ordinances and administrative regulations issued on its basis remain unaffected.

(5) Statutory ordinances of the Ministry of Education that define the framework for teaching-related bachelor's and master's degree programs require the consent of the Ministry of Science. In the case of courses of study within the framework of teacher training, the amendment of the applicable examination regulations in agreement with the Ministry of Education is required in the case of § 32 Paragraph 3 Clause 4.

### **Section 35** **Recognition and crediting of skills**

(1) Periods of study, study and examination achievements as well as degrees obtained in courses at other state or state-recognized universities and vocational academies in the Federal Republic of Germany or in courses at foreign state or state-recognized universities will be recognized if no material difference from the benefits or degrees being replaced; Participation in recognized distance learning units is credited to the study period in the same way as the corresponding face-to-face studies. The recognition serves to continue your studies, to take exams, to take up further studies or to be admitted to a doctorate. § 15 paragraphs 3 and 4 LBG remains unaffected. It is up to the applicant to provide the necessary information about the achievement to be recognized. The burden of proof that an application does not meet the requirements for recognition lies with the body that carries out the recognition procedure. When deciding on the recognition of foreign educational certificates, the evaluation proposals of the Central Office for Foreign Education at the Secretariat of the Standing Conference of the Ministers of Education in the Federal Republic of Germany (ZAB) should be taken into account.

(2) The preliminary or intermediate examination taken at another German university of the same type in the same or a related course will be recognised.

(3) Knowledge and skills acquired outside of the higher education sector are to be credited towards a higher education degree if

1. at the time of crediting, the requirements for university admission are met,
2. the knowledge and skills to be credited to the university degree are equivalent in content and level to the coursework and examinations they are intended to replace, and
3. the criteria for crediting have been checked as part of an accreditation.

Knowledge and skills acquired outside of the higher education sector may replace a maximum of 50 percent of the higher education studies. The universities regulate the details in the examination regulations, in particular under which conditions and to what extent the knowledge and skills acquired outside the university sector can be credited. The examination regulations can also provide for a placement test.

(4) Paragraphs 1 to 3 sentence 1 number 1 apply accordingly to the transfer of credit points from contact studies to a university degree. Paragraph 3 applies accordingly to the recognition of knowledge and skills acquired outside of the university sector in contact studies.

(5) Insofar as agreements and agreements between the Federal Republic of Germany and other countries regarding equivalence in higher education (equivalence agreements) favor students from foreign countries in deviation from paragraph 1 and § 59 paragraph 1 sentence 1, the provisions of the equivalence agreements take precedence.

### **§ 36**

#### **Awarding and use of domestic degrees**

(1) On the basis of a university examination, with which a first university degree is obtained, the university awards a bachelor's degree. On the basis of a university examination, with which a further university degree is acquired, the university awards a master's degree. Universities can use the designation »Bakkalaureus« or »Bakkalaurea« instead of »Bachelor« and the designation »Magister« or »Magistra« instead of »Master«. Deviating from sentence 1, the universities can award a diploma degree with specification of the subject within the scope of § 34 paragraph 1.

(2) Universities can also award university degrees on the basis of state or church examinations in accordance with their examination regulations.

(3) Universities may award degrees other than those specified in paragraph 1 for university degrees in artistic courses or in courses carried out in cooperation with a foreign university or comparable educational institution. A degree according to sentence 1 can also be awarded in addition to one of the degrees mentioned in paragraph 1.

(4) German or foreign-language university degrees and corresponding state degrees, titles or designations (degrees) may only be awarded by a state or state-recognized university within the scope of this law on the basis of examination regulations issued with the consent of the rector or on the basis of special state law Provisions are awarded. Other degrees that are confusingly similar to those according to Clause 1 may not be awarded.

(5) The grades may only be used in accordance with the award certificate or in another specified form. Sentence 1 and paragraph 4 apply accordingly to honorary doctorates. Women and men use all university degrees, academic designations and titles in the language form corresponding to their gender.

(6) Those who have successfully completed their degree in social work or curative education are entitled to use the job title "state-recognized social worker" or "state-recognized social worker", "state-recognized social worker" or "state-recognized social worker" or "state-recognized curative teacher" or "State-approved remedial educator«. Deviating from sentence 1, the professional title "State-approved social worker/social pedagogue" or "State-approved social worker/social pedagogue" can also be used. Anyone who has successfully completed their studies in social pedagogy or social work at the vocational academy or the DHBW is entitled to use the professional title "State-recognized social worker" or "State-recognized social worker/social pedagogue".

(7) The university degree awarded by a Baden-Württemberg university can be revoked without prejudice to §§ 48 and 49 LVwVfG if the holder seriously violated the generally recognized principles of good scientific practice and honesty through his or her later behavior. The university that awarded the degree decides on the withdrawal.

### **§ 37**

#### **Use of foreign degrees, titles and designations; Certificate evaluation according to the Lisbon Convention**

(1) A foreign university degree that has been duly awarded by a university recognized under the law of the country of origin and entitled to award this degree on the basis of a course of study that has actually been completed and completed by an examination, can be presented in the form awarded, stating the awarding University can be run without a permit. If necessary, the form given can be translated into Latin script and the abbreviation that is approved or

demonstrably common in the country of origin can be used and a literal translation can be added in brackets. A conversion into a corresponding domestic degree does not take place, with the exception of those entitled under the Federal Expellees Act.

(2) A foreign honorary degree that was awarded by a university or other body entitled to award it under the law of the country of origin may be listed in the form awarded, stating the awarding body, in accordance with the legal provisions applicable to the award. Honorary degrees are excluded from use if the foreign institution does not have the right to award the corresponding degree in accordance with paragraph 1. Paragraph 1 sentence 2 applies accordingly.

(3) The provisions of paragraphs 1 and 2 apply accordingly to foreign university titles and university job titles. Paragraph 1 applies accordingly to state and ecclesiastical degrees.

(4) Insofar as equivalence agreements according to § 35 paragraph 5 and agreements of the federal states in the Federal Republic of Germany (KMK agreements) favor the holders of foreign degrees with regard to the form of the degree, deviating from paragraphs 1 to 3, these regulations take precedence. In the relationship between equivalence agreements and KMK agreements, the more favorable regulation applies.

(5) A degree, title or designation that deviates from paragraphs 1 to 4 is prohibited. Degrees, titles and university job titles acquired for a fee may not be used. Anyone who holds a foreign degree, title or a foreign university job title must provide documentary evidence of their entitlement to do so if requested by a public authority.

(6) Irrespective of §§ 48 and 49 LVwVfG, the Ministry of Science can revoke a license it has granted to use a foreign degree and, in the case of a general license granted, also revoke the revocation for individual cases if the holder's subsequent behavior changes the leadership of the degree has proved unworthy.

(7) Holders of a higher education qualification issued abroad that is not a prerequisite for taking up and practicing a regulated profession receive Article III.1 of the Annex to the Act on the Convention of April 11, 1997 on the recognition of qualifications in the higher education sector in the European region of May 16, 2007 (Federal Law Gazette 2007 II p. 712, 713) upon request an assessment of this qualification (certificate assessment). According to Article I of the Convention referred to in sentence 1, assessment in this sense is a written classification or assessment of the foreign qualification by a competent body. The assessment is to be made on the basis of the knowledge and skills acquired. Circumstances unrelated to the value of the qualification sought to be assessed, may not be taken into account. The Ministry of Science determines the responsible body. It is entitled to transfer the assessment of foreign university qualifications on the basis of the agreement mentioned in sentence 1 to the ZAB or to another cross-state body that performs public administration tasks and whose headquarters may be in another federal state, by statutory order. It is authorized to regulate the details of the transfer of responsibility according to sentence 6 by administrative agreement with the respective federal state. performs the tasks of public administration and whose headquarters may be in another federal state, by statutory order. It is authorized to regulate the details of the transfer of responsibility according to sentence 6 by administrative agreement with the respective federal state. performs the tasks of public administration and whose headquarters may be in another federal state, by statutory order. It is authorized to regulate the details of the transfer of responsibility according to sentence 6 by administrative agreement with the respective federal state.

**§ 37 a**  
**reform clause for cooperation**  
**with foreign universities**

For the testing of degree programs that are carried out by foreign universities and comparable educational institutions in cooperation with one or more universities, the Ministry of Science can by ordinance derogate from the regulations of § 29 paragraph 3 sentence 2 and 3 numbers 2 and 3, paragraph 5, § 32 Paragraph 3 sentence 1 in conjunction with Paragraph 4 and Section 36 Paragraph 1 allow exceptions, exceptions from Section 58 Paragraph 2 and Section 60 Paragraph 2 Numbers 6 to 8, Paragraph 3 Number 3 only for international students.

### **§ 38**

#### **Promotion**

(1) The universities have the right to confer doctorates. The teacher training colleges have the right to confer doctorates within the scope of their task. The art academies have the right to award doctorates in the fields of art science, musicology, media theory, architecture, art education, music education and philosophy. Exercising the right to confer a doctorate requires the award by the Ministry of Science and requires a sufficiently broad representation of the scientific subject at the university. The previous scope of the universities' right to award doctorates remains unaffected.

(2) The doctorate serves as proof of the ability to carry out in-depth scientific work and is based on independent scientific work (dissertation) and an oral examination, the subject of which is the dissertation. On the basis of the doctorate, the university awards a doctoral degree with an addition identifying the subject. The granting of an honorary doctoral degree can be provided for in the doctoral degree regulations. The universities should offer research-oriented courses for their doctoral students and enable them to acquire key academic qualifications. In addition, the universities should set up separate doctoral courses (doctoral colleges) for the training of young scientists and artists as part of their research funding, whose training goal is qualification for science and research; the regulations on degree programs apply accordingly. For degrees according to Clause 5, the degree »Doctor of Philosophy (Ph.D.)« can also be awarded.

(3) As a rule, anyone can be admitted to a doctorate as a doctoral candidate

1. a master's degree,
2. a course of study at a university, teacher training college or art college with a standard period of study of at least four years or
3. a course of study that builds on an undergraduate course at a university, teacher training college or another university with the right to award doctorates

successfully completed an exam. For particularly qualified graduates of bachelor's degree programs and state examination programs that do not fall under sentence 1, the doctoral regulations regulate the special admission requirements. For particularly qualified graduates of a diploma course at a university of applied sciences or a vocational academy and for graduates of the Notarakademie Baden-Württemberg who completed their training there by December 31, 2017 at the latest, a special aptitude assessment procedure should be provided for in the doctoral regulations as an admission requirement.

(4) The university conducts doctoral procedures on the basis of doctoral regulations that are to be decided by the Senate and require the approval of the Rector. The doctoral regulations regulate the further admission requirements, the implementation of the doctoral procedure, the involvement of external doctoral students and the appointment of ombudspersons; it can provide for a maximum duration of the doctorate. The doctoral regulations stipulate that professors from the universities of applied sciences or the DHBW can also be appointed as supervisors and examiners. The doctoral regulations can stipulate that the university can demand and accept an affirmation in lieu of an oath of the independence of the academic achievements.

(5) Persons who have been accepted as doctoral candidates are enrolled in accordance with Article 60 paragraph 1 sentence 1 letter b; this does not apply to accepted doctoral students who work full-time at the university if they have previously declared in writing to the rectorate that they do not wish to be enrolled. The doctoral committee set up at the faculty decides on acceptance as a doctoral candidate after the conclusion of the doctoral agreement; acceptance as a doctoral candidate obliges the university to provide academic supervision. A written doctoral agreement with the following minimum content is concluded between doctoral candidates and supervisors:

1. Schedules for regular mentoring talks and status reports that are adapted to the dissertation project and the living situation of the doctoral candidate and are to be updated in each case,
2. Information about an individual study program,
3. a mutual obligation to observe the rules of good scientific practice,
4. Rules for resolving disputes and
5. the assessment times to be determined when the dissertation is submitted.

When concluding the doctoral agreement, the doctoral students are to be recorded centrally.

(6) If universities with the right to award doctorates and universities of applied sciences work together in doctoral procedures, the professors at the universities of applied sciences should be involved as supervisors and examiners with the same rights and obligations. This applies in particular to doctoral colleges in which the doctoral work is jointly supervised.

(6a) Universities with the right to confer doctorates can temporarily associate professors from the universities without the right to confer doctorates, with whom they work together in doctoral procedures. The association requires an application from the university teachers concerned. Participation rights in academic self-administration are not associated with the association. The requirements for an association, the procedure and the other rights and obligations associated with the association are regulated by the university entitled to award doctorates in the doctoral regulations or another statute.

(7) The doctoral candidates accepted for doctoral studies form a convention. The university regulates whether conventions are set up at the faculty level or at the central level. The convention can discuss questions affecting doctoral students and make recommendations to the university bodies. It gives itself rules of procedure and elects a board of directors. Details on the organization of the convention and the election procedure for the board of directors are regulated by the rules of procedure, which the convention decides with the majority of its members present. Draft doctoral regulations are forwarded to the convention for comments; the statement will be attached to the Senate documents.

### **Section 39 Habilitation; extraordinary professorship**

(1) The universities, teacher training colleges and art colleges have the right to habilitation to the extent that they have the right to award doctorates. The habilitation serves as proof of the special ability to independently represent a scientific field in research and teaching.

(2) Admission to the habilitation requires a doctorate and, as a rule, several years of academic work in research and teaching, as well as practical school work in the case of teacher training colleges. A central university habilitation committee can be formed to deal with habilitation matters.

(3) On the basis of the successful habilitation, the license to teach a specific scientific subject or subject area is awarded. The right to use the designation "private lecturer" is associated with the award if they hold courses of at least two semester hours per week in their subject area; the implementation of these events must not be made dependent on the payment of a teaching fee. The granting of the license to teach does not establish a civil servant or employment relationship and no entitlement to appointment as a university lecturer or to employment as an academic employee.

(4) The Senate can, at the suggestion of the faculty, award a private lecturer the designation "extraordinary professor" after two years of teaching. She or he is entitled to use the designation »Professor« or »Professor«. The Senate regulates the granting and its revocation in the basic order or through other statutes.

(5) The habilitation regulations to be decided by the Senate, which require the approval of the Rector, shall in particular stipulate that the habilitation is to be completed within a reasonable period of time and that an interim evaluation is to be carried out while the habilitation thesis is being prepared. In order to be admitted to the habilitation process, proof of special pedagogical aptitude must be provided, which can be provided in particular by successful participation in didactic further and further training. The basic regulations or the habilitation regulations regulate the conditions under which the license to teach can be revoked.

## **PART 4 Research**

### **Section 40 Research Tasks; research institutions**

(1) Research in the universities serves to gain scientific knowledge and to lay the scientific foundation and further develop teaching and studies. The subject of research in the universities can be, within the scope of their task, all scientific areas as well as the application of scientific knowledge in practice, including the consequences that can result from the application of scientific knowledge.

(2) When research results are published, persons who have made their own scientific or other significant contribution must be named as co-authors; as far as possible, their contribution is to be marked.

(3) The provisions of this part apply accordingly to application-related research and development projects as well as to artistic development projects.

(4) For the purpose of cooperation between scientists within the framework of a research program, the universities can set up special research areas as long-term but not permanent research priorities. Other universities and scientific institutions outside the universities can participate in a collaborative research center. The university regulates details about the organization and the procedure of a collaborative research center by statute. Sentences 1 to 3 apply accordingly to interdisciplinary research areas.

(5) At the suggestion of the Rectorate, the University Council resolves to set up cross-faculty, cross-section and cross-university research centers; the resolution does not apply if there is agreement with the structure and development plan. Centers are topic-oriented associations of scientists, professorships and scientific institutions that work together on an interdisciplinary basis. Centers should be limited in time and periodically evaluated. They should have their own infrastructure and responsibility for resources. The creation of special research areas and research priorities according to paragraph 4 remains unaffected.

### **Section 41 Research using third-party funds**

(1) The acquisition and use of funds from third parties for the implementation of research projects are part of the official duties of the members of the university engaged in research. The results of the research are usually to be published in the foreseeable future. For the rest, § 40 paragraph 2 applies to the publication of research results; Provisions of copyright and employee invention law remain unaffected. The head of the respective higher education institution is responsible for issuing the necessary approvals.

(2) Third-party funds for research projects carried out at the university are to be managed in accordance with Article 13, paragraphs 6 and 7.

(3) Subject to sentence 2, full-time employees who are paid from third-party funds for research projects carried out at the university are to be hired as university staff on an employee basis. If this is compatible with the conditions of the sponsor, the member of the university can conclude the employment contracts with the employees in justified cases. In this case, the administration of all funds for the research project remains with the member of the university; the country is not obligated by the employee relationship.

(4) Financial earnings of the university from research projects that are carried out in the university, in particular from income that accrues to the university as payment for the use of

staff, material resources and facilities, are available to the university for the fulfillment of its tasks.

(5) If a project is carried out on behalf of a third party, the third-party funds must cover the direct costs incurred as well as the administrative costs in accordance with Section 2 Paragraph 6 of the State Fees Act. If the university has an overriding interest in carrying out the research assignment, the reimbursement of costs can be reduced or waived in exceptional cases. If, during the implementation of a project, services are provided on behalf of third parties that are also offered commercially, the third-party funds for these services must be calculated in accordance with the fees customary in the commercial sector.

(6) The provisions regarding the exercise of secondary employment remain unaffected.

(7) Paragraphs 1 to 6 apply mutatis mutandis to development projects within the framework of applied research and to artistic development projects.

#### **§ 41a**

##### **Transparency of third-party funded research**

(1) The university and the scientists involved ensure transparency for approved research projects from third-party funds within the meaning of § 41 and the administrative regulations and application instructions issued in accordance with the following regulations.

(2) The university sets up a register in which the research projects are recorded in accordance with paragraph 1 (project register). The following data is recorded in the project register:

1. designation of the research project,
2. Name of the institutions involved at the university (faculty, institute), at the DHBW also the dual cooperation partners,
3. name of the project leader,
4. Subject and university teachers involved,
5. brief description of the project,
6. project duration or project duration,
7. Amount of third-party funds, usually per year,
- 8th. Naming the third-party funders, separated into public and private third-party funders,
9. Information on agreed confidentiality obligations and publication restrictions as well
- 10 Specification of the topics of the dissertations that are being prepared as part of a third-party funded project in cooperation with companies.

(3) The project register serves the discourse in the Senate as the academic representation of the members of the university. The Rector reports to the Senate every two years on the status of the project register with the following data:

1. number of listed third-party funded projects,
2. Total amount of third-party funding,
3. Projects from public third-party funds
  - a) number of projects recorded,



Total amount of third-party funding attributable to this,

- b)
- 4. Projects from private third-party funds
  - a) number of projects recorded,
  - b) Total amount of the third-party funding attributable to this as well as
- 5. Information on non-disclosure agreements or publication restrictions
  - a) number of projects for which corresponding agreements exist,
  - b) Total amount of third-party funds allocated to these projects.

The universities shall ensure that the university members can access the above data, for example by accessing the register of projects or a database, insofar as projects are concerned that are primarily funded by a public body or by a third-party funder financed from public funds and there are no obstacles according to paragraph 4 sentence 5.

(4) In addition, the Senate or at least a quarter of the members of the Senate can request information from the register of projects; Sections 67 and 68 remain unaffected. The request for information should be addressed to the Rectorate. The Rectorate decides on the information and its scope. Subject to sentence 5, information is provided on the data recorded in the project register for the respective project. The information is not given or is given in a limited way, if, as long as and to the extent

- 1. a trade or business secret would be disclosed by the transmission of the information,
- 2. the registration of a protective right would be jeopardized or intellectual property would conflict with it,
- 3. Personal data collected as part of the research would be disclosed as a result of the information becoming known, unless
  - a) the data subject has consented or
  - b) the disclosure is permitted by or pursuant to any statute; or
  - c) Obtaining the consent of the data subject is not possible or only possible with disproportionate effort and it is obvious that the disclosure is in the interest of the data subject, or
  - d) the persons requesting information assert a legal interest in knowing the requested information and overriding legitimate interests of the persons concerned do not conflict with the disclosure or
  - e) the separation or anonymization of the personal data excludes any conclusions about specific persons, provided that such separation or anonymization can be carried out with reasonable effort,
- 4. disclosures and notifications from public authorities of the federal government or another state would be disclosed without their consent as a result of the information becoming known.

If and to the extent that information is to be provided in accordance with this provision, the rector's office is not subject to official secrecy.

(5) If there are indications that the researchers concerned, third-party funders or persons under paragraph 4 sentence 5 number 3 letter a or public bodies within the meaning of paragraph 4 sentence 5 number 4 have a legitimate interest in the information not being provided the Rectorate gives them the opportunity to comment in writing or electronically and to give their consent to the disclosure of information within one month. If the Rectorate has not received consent at the time of its decision, the consent is deemed to have been refused. In this case, the provision of information is determined in accordance with paragraph 4 sentence 5 numbers 1 and 2 and number 3 letters b to e. The decision on the request for information is made in writing or electronically and must also be made known to the persons referred to in sentence 1. The information may only be given when the decision has become final for all protected persons and bodies or immediate enforcement has been ordered and two weeks have elapsed since the order was announced to all protected persons.

**PART 5**  
**Participation in the social care and**  
**support of the students**

**§ 42**  
**Perception of social care and support**

(1) The social care and support of students is carried out by student unions as legal institutions under public law. They are based on the Studierendenwerkgesetz (StWG).

(2) The social support tasks of students can be assigned to the university itself or to another student union upon application. In the event that a university would like to take on the social support tasks itself, it proposes how social support tasks of other universities of the previously responsible student union should be performed in the future.

**§ 43**  
**Performance of social support and**  
**support tasks by the university**

(1) If a university takes on the tasks of social support and support for students, a member of the Rectorate is to be entrusted with the supervision. Paragraph 3 sentence 2 remains unaffected.

(2) On the basis of agreements, the university can also assume supervision and support tasks at other universities. It can use third parties to fulfill the support and support tasks, participate in companies and found companies.

(3) In addition, § 2 paragraphs 2, 3, 5 and 6 StWG, § 6 paragraph 1 sentence 2 and paragraph 2 StWG, §§ 11 to 13 and 14 paragraph 3 StWG apply to the social support and support of students by the university accordingly. The Rectorate is responsible for supervising the social support and support of the students.

**PART 6**  
**Members**  
**Section 1**  
**Scientific and Artistic Personnel**  
**Section 44**  
**Personnel**

(1) The full-time scientific staff of the university consists of the

1. University teachers (professors, junior professors and lecturers),
2. academic staff.

If academic employees are also university teachers, honorary professors, private lecturers or adjunct professors under corporate law, this does not change their official position.

(2) The other scientific staff consists of the

1. honorary professors,
2. private lecturers,
3. guest professors,
4. senior professors,
5. lecturer,
6. scientific assistants and student assistants.

(3) The personnel regulations of this law for academic personnel apply accordingly to artistic personnel.

(4) The Ministry of Science is authorized, in agreement with the Ministry of the Interior and the Ministry of Finance, to regulate the scope of the teaching obligations of the full-time scientific staff, taking into account the different tasks of the types of university and employment, the weighting of the types of courses and special supervision obligations by statutory order. The extent of the exemption from teaching tasks can be determined for the members of the deaneries by showing a university flat rate. Corresponding contractual obligations are to be imposed on personnel employed under private law.

(5) In derogation of Section 35 (1) of the State Disciplinary Act, a reprimand may no longer be imposed for a disciplinary offense pursuant to Section 3 (5) four years after the completion of the disciplinary offense and a fine for five years.

(6) The universities should oblige the members of their scientific staff by statute to exercise the right to non-commercial secondary publication after a period of one year after the first publication for scientific contributions that have been created within the scope of official duties and have appeared in a collection that is published periodically at least twice a year. The statutes regulate the cases in which the fulfillment of the obligation according to sentence 1 can be waived in exceptional cases. It can regulate that the secondary publication has to take place in a repository according to § 28 paragraph 5.

(7) The Professional Qualifications Assessment Act of Baden-Württemberg does not apply to proof of qualifications that are to be provided in accordance with this section.

#### **Section 45** **Application of civil service regulations**

(1) The provisions generally applicable to civil servants shall apply to civil servant university teachers and academic staff, unless otherwise provided by law.

(2) The provisions on careers and temporary retirement do not apply to university teachers. The regulations on working hours (§ 67 LBG, Section 2 of the Working Hours and Vacation Ordinance) do not apply to university teachers; However, if the area of responsibility of a higher education institution requires the regular or scheduled presence of the university teachers, the working hours can be regulated by the rectorate according to § 67 LBG. § 39 LBG applies to professors with the proviso that retirement due to reaching the age limit is postponed until the end of the semester in which the professor reaches the age of 70, also for longer than one year can be. The application should be submitted no later than one year before the age limit is reached. In justified cases, the universities can set a deadline of up to two years; the professor concerned must be informed of this in good time.

(3) Full-time members of the university with teaching obligations must take their vacation during the semester break, unless official reasons require a different arrangement; the same applies to healing cures.

(4) Official university teachers can only be seconded or transferred with their consent. Delegation to an equivalent activity or transfer to an equivalent position at another university is

also permissible without the consent of the university professor if the university or the university institution or the study academy at which he or she works is dissolved or merges with another university or study academy is merged, or if the course or subject in which he or she works is completely or partially abandoned or transferred to another university; the university professor is to be heard beforehand.

(5) For members of the full-time scientific staff who are not civil servants and who have been granted leave of absence in the interest of their research and teaching activities or an artistic development project and suffer an accident in the course of or as a result of this activity, accident insurance can be granted in accordance with § 45 Paragraph 5 LBeamtVGBW, insofar as they are not otherwise entitled to such benefits.

(6) Insofar as university teachers or academic staff are temporary civil servants, the employment relationship is to be extended at the civil servant's request for the reasons stated in sentence 2, provided there are no official reasons to the contrary. Reasons for an extension are:

1. Leave of absence according to § 72 LBG,
2. Leave of absence according to other state law regulations to exercise a mandate to be agreed with the office,
3. Leave of absence for a scientific or artistic activity or scientific, artistic or professional training, further education or further training carried out outside of the university sector or abroad,
4. basic military and civil service,
5. Employment bans according to Section 4 of the Working Time and Holiday Ordinance and parental leave according to Section 5 and nursing leave according to Section 6 of the Working Time and Holiday Ordinance to the extent that no gainful employment has taken place or
6. Presence of a disability according to § 2 paragraph 1 of the ninth book of the Social Security Code or a serious chronic illness.

Sentence 1 applies accordingly in the event of a

1. Part-time employment according to §§ 69 and 70 LBG,
2. Reduction of working hours within the meaning of sentence 2 number 2 or
3. Time off to perform tasks in a staff or severely disabled representative or to perform the tasks of an equal opportunities officer,

if the reduction in working hours was at least one fifth of the regular working hours. An extension may not exceed the scope of the leave of absence, leave of absence or the reduction in working hours and in the cases of sentence 2 numbers 1 to 3 and sentence 3 the duration of two years. Several extensions according to sentence 2 numbers 1 to 4 and sentence 3 may not exceed a total of three years. Extensions according to sentence 2 numbers 5 and 6 may not exceed a total of four years, even if they coincide with other extensions. Sentences 5 and 6 do not apply to academic staff. Irrespective of the aforementioned extension options, the temporary civil servant relationship can be extended by junior professors, Junior lecturers and academic staff according to §§ 51 to 52 who care for one or more children under the age of 14 can apply for a two-year extension per child, for a total of a maximum of four years, if the extension is necessary in order to § 51 paragraph 7, § 51a paragraph 3 or § 51b to achieve a specific qualification goal or another qualification goal associated with the employment relationship. The details, in particular the requirements for the use and the structure of the extension in detail, are regulated by the universities in their statutes. Sentences 8 and 9 apply

accordingly to the care or nursing of relatives in need of care. Extensions according to sentences 8 to 10 may, even if they coincide with other extensions according to this paragraph,

(6a) Irrespective of subsection 6, civil servant relationships under Section 50 subsection 2 sentence 1 number 5, Section 51 subsection 7 sentence 1, Section 51a subsection 3 sentence 2 and subsection 4 sentence 1 and Section 52 subsection 4 sentences 1 and 3, the between March 1, 2020 and February 28, 2022, can be extended by up to twelve months upon request, insofar as this appears necessary due to the effects of the COVID-19 pandemic.

(7) Insofar as a fixed-term employment relationship under private law has been established for university teachers, paragraphs 6 and 6a apply accordingly.

(8) University teachers are to arrange their accommodation in such a way that they can properly carry out their official duties in accordance with Article 46 Paragraph 1 and Article 51 Paragraph 1, particularly in teaching, research, further education, artistic development projects, study counseling and specialist support as well as in self-administration bodies be able. The university teachers are obliged to be present at the universities during the lecture period so that the proper fulfillment of the teaching obligation as well as the examination and advisory tasks and other official tasks is guaranteed. They are also obliged to be present and available appropriately during the lecture-free period. Apart from that, the attendance requirement of the university lecturers depends on the official tasks incumbent on them.

(9) In the case of a leave of absence for civil servant professors and academic staff to temporarily perform the duties of a professor at a university in accordance with Section 31 of the Working Time and Holiday Ordinance, Section 31 (1) sentences 4 and 5 of the Working Time and Holiday Ordinance applies no use.

#### **§ 46 Duties of university teachers**

(1) The university teachers independently perform the tasks incumbent on their university according to § 2 in science and art, artistic development projects, research, teaching and further education in their subjects according to the detailed structure of their employment relationship. Her main job duties also include

1. to participate in the entrance examination and selection process for admission to higher education and the admission of applicants,
2. to participate in tasks related to the quality development of studies and teaching and in student counseling, in particular by participating in further training,
3. to supervise the students to an appropriate extent outside of the courses,
4. to participate in the administration of the university,
5. to take on management tasks in the higher education institutions of their subject area,
6. to take part in practical school training,
7. to participate in university examinations as well as in the state and church examinations through which a university degree is completed and

8th. To perform tasks according to § 2 paragraphs 7 and 8.

For a period of up to five years, the professors can be assigned exclusively or mainly tasks in research, in the practice of art, in the context of artistic development projects or development projects in the context of applied research, provided that within the responsible teaching unit both the reduction in the previous range of courses is compensated for and the fulfillment of other obligations is ensured. A compensation obligation according to sentence 3 does not apply

to professorships to which tasks outside of teaching have been assigned if they are financed from third-party funds or if the legislature stipulates this in the state budget. Extensions of up to five years are possible. Professorships can also be designated with a focus on teaching. The decisions according to sentences 3, 5 and 6 are made by the rectorate in consultation with the dean's office and after hearing the person concerned. Depending on the functional description of the position, the professors are bound by instructions when fulfilling the tasks assigned under Section 2 Paragraphs 7 and 8; this also applies to activities in a university hospital in accordance with Section 53.

(2) Within the framework of the regulations applicable to their employment, the university teachers are obliged to hold courses in their subjects in all degree programs. Within the framework of the regulations applicable to their employment, they have to implement the decisions made by the university bodies to ensure the range of courses.

(3) If the position of a university teacher becomes vacant, the university will examine whether the job description should be changed, whether the position should be assigned to a different area of responsibility or whether it should not be filled again; the faculty council, the department or the academy must be heard before the decision is made. When describing the job description of positions for university teachers, an appropriate range of subjects to be supervised must be provided for. The determination of the duties is subject to review at appropriate intervals. In the case of professorships and university lectureships as well as tenure-track professorships and tenure-track lectureships, the Ministry of Science makes the decision on the functional description of the position or its change as well as on the determination of the official tasks at the request of the university, insofar as the functional description is to be changed the University. The respective faculty, specialist group or study academy and the person concerned must be heard beforehand. The Ministry of Science is not involved according to Clause 4 if the result of the examination according to Clause 1 corresponds to a structure and development plan of the university that the Ministry of Science has approved. Functional descriptions, which the Ministry of Science has to decide on according to sentence 4, must be made known to the chairperson of the university council before they are submitted to the Ministry of Science; he or she decides whether the job description should first be submitted to the University Council for consideration, or whether it can be forwarded to the Ministry of Science.

(4) The full-time scientific staff can be obliged by the Ministry of Science to also hold courses and to participate in examinations at other state universities, joint faculties according to § 6 paragraph 4 and at associations according to § 6 paragraph 5, if this is to guarantee a jointly organized or by the association according to § 6 paragraph 5 is required or there is no teaching requirement at your university that corresponds to your teaching obligations.

(5) University teachers are obliged, without special remuneration, to provide expert opinions, including the necessary examinations, and to act as experts at the request of the Ministry of Science or for their university; this also applies to expert opinions in appointment procedures. The university teachers at art colleges are obliged to participate in artistic events at their university.

(6) Insofar as university teachers carry out teaching activities in further education that go beyond the teaching obligation specified in the statutory ordinance pursuant to Section 44 (4), these can also be carried out as part-time jobs. The universities are authorized to set the level of remuneration for these teaching activities by statute. When determining the remuneration, the subject, the degree of difficulty, the necessary preparation and follow-up work, the importance of the course, the demand and the local conditions must be appropriately taken into account. The teaching allowance may only be paid from income from further education offers.

(7) Insofar as DHBW university lecturers carry out teaching activities at other study academies pursuant to Section 27a Paragraph 1 which go beyond the teaching obligations stipulated in the ordinance pursuant to Section 44 Paragraph 4 and which are necessary to ensure the range of courses offered at this study academy, they can also do so in Secondary employment are perceived. Paragraph 6 sentences 2 and 3 applies accordingly.

**§ 47**  
**Recruitment requirements for**  
**professors**

(1) Employment requirements for professors are in addition to the general employment requirements

1. a university degree,
2. Pedagogical suitability, which is usually to be proven through experience in teaching or training or through participation in further education and training in university didactics,
3. special qualification for scientific work, which is usually proven by the quality of a doctorate, or special qualification for artistic work and
4. also depending on the task of the university and the requirements of the position
  - a) additional scientific achievements in research and teaching (paragraph 2),
  - b) Additional artistic achievements that can also be achieved in artistic practice outside of the university sector, or
  - c) special achievements in the application or development of scientific knowledge and methods in at least five years of professional practice, of which at least three years must have been spent outside of the university sector.

(2) The additional scientific or artistic achievements according to paragraph 1 number 4 letter a or b are usually achieved through a habilitation, as part of a junior professorship or a lectureship, otherwise in particular as part of an activity as an academic employee at a University or a non-university research institution or as part of a scientific activity in business or in another social area in Germany or abroad. Sentence 1 only applies to appointments to a first professorship. The additional scientific or artistic achievements required to fill a professorship are comprehensively evaluated in the appointment procedure.

(3) As a rule, only those who can prove three years of school practice should be appointed to a position whose job description provides for the performance of educational science or subject-related didactic tasks in teacher training. Professors at universities of applied sciences and at the DHBW must meet the employment requirements according to paragraph 1 number 4 letter c. Professors according to Clause 2 can be appointed in particularly justified exceptional cases if they meet the employment requirements according to paragraph 1 number 4 letter a or b; This applies in particular if universities of applied sciences, in accordance with a structure and development plan approved by the Ministry of Science, for special reasons, in particular for setting up research priorities, have already defined a corresponding profile in the call for applications. Professors according to sentence 2 can also be appointed if they do not meet the requirement according to paragraph 1 sentence 1 number 2 or 3 or the employment requirement according to paragraph 1 sentence 1 number 4 letter c, provided that the appointment also serves to meet the missing employment requirement and an activity carried out in this context by third parties is financed from third-party funds (tandem professorship). Professors according to Clause 4 are appointed as temporary professors within the meaning of Section 50 Paragraph 2 Clause 1 Number 6 for the funding period. Professors according to sentence 2 can also be appointed if they do not meet the requirement according to paragraph 1 sentence 1 number 2 or 3 or the employment requirement according to paragraph 1 sentence 1 number 4 letter c, provided that the appointment also serves to meet the missing employment requirement and an activity carried out in this context by third parties is financed from third-party funds (tandem professorship). Professors according to Clause 4 are appointed as temporary professors within the meaning of Section 50 Paragraph 2 Clause 1 Number 6 for the funding period. Professors according to sentence 2 can also be appointed if they do not meet the requirement according to paragraph 1 sentence 1 number 2 or 3 or the employment requirement according to paragraph 1 sentence 1 number 4 letter c, provided that the appointment also serves to meet the missing employment requirement and an activity carried

out in this context by third parties is financed from third-party funds (tandem professorship). Professors according to Clause 4 are appointed as temporary professors within the meaning of Section 50 Paragraph 2 Clause 1 Number 6 for the funding period. to acquire the missing employment requirement, and an activity performed in this context with third parties is financed from third-party funds (tandem professorship). Professors according to Clause 4 are appointed as temporary professors within the meaning of Section 50 Paragraph 2 Clause 1 Number 6 for the funding period. to acquire the missing employment requirement, and an activity performed in this context with third parties is financed from third-party funds (tandem professorship). Professors according to Clause 4 are appointed as temporary professors within the meaning of Section 50 Paragraph 2 Clause 1 Number 6 for the funding period.

(4) Insofar as it corresponds to the nature of the subject and the requirements of the position, in particular a temporary professorship, deviating from paragraphs 1 to 3, a professor can also be employed who has outstanding subject-related achievements in the professional, scientific or artistic field practical experience and pedagogical suitability.

(5) Professors who also perform medical or dental tasks must also provide evidence of recognition as a medical specialist, insofar as relevant further training is provided for in the relevant specialist area under state law.

## **§ 48**

### **Appointment of Professors**

(1) As a rule, professorships are to be advertised internationally. The tender must describe the type and scope of the tasks to be performed. The advertisement for a professorship and the implementation of the appointment procedure can be waived if a professor in a temporary civil service contract or a limited employment contract under private law is appointed to the same professorship in a civil service contract for life or an unlimited employment contract under private law. Furthermore, the advertisement can be dispensed with and the appointment procedure can be simplified appropriately, if a tenure-track professor or tenure-track lecturer from your own university is to be appointed to a professorship of a comparable denomination in a higher salary bracket. Furthermore, with regard to the quality and profile development of the university, the advertisement for a professorship can be refrained from in exceptional cases with the consent of the Ministry of Science if only one outstandingly qualified personality is available; in this case, the university can simplify the appointment procedure appropriately. In order to promote and develop young scientists, the Ministry of Science can permit further exceptions to the obligation to advertise and to carry out the appointment procedure;

(2) The professors are appointed by the rector of the university in agreement with the Ministry of Science on the basis of the appointment proposal according to paragraph 3 sentence 6; the Rector can deviate from the appointment proposal in justified cases. In cases of paragraph 1 sentence 4, the Ministry of Science can transfer the responsibility for granting the consent according to sentence 1 in general or in individual cases to the rector; in these cases, the Ministry of Science must be notified of the appeal. Section 74 remains unaffected. Junior professors and lecturers from their own university can usually only be considered if they had changed universities after completing their doctorate or if they were scientifically or artistically active for at least two years outside of the university in which they were appointed. At universities of teacher education, junior professors and lecturers can also be considered for appointments in special education if they have worked outside the university for three years. When appointing a professorship, members of one's own university can only be considered in justified exceptional cases and only if the requirements of sentence 4 are also met, unless the requirement to select the best according to Article 33 paragraph 2 of the Basic Law requires the appointment of the member the college. The appointment of persons who have not applied is permissible.

(3) Irrespective of sentence 11, the rectorate, in consultation with the faculty, forms an appointments committee to prepare the appointment proposal, which is headed by a member of the rectorate or a member of the dean's office of the faculty in which the position is to be filled; the faculty concerned has the right to propose candidates for the appointments committee. In the appointments committee, the professors have the majority of the votes; it must also include at least one external expert from the university, the Equal Opportunities Officer and a student; the Commission may call in an expert from the field of technical and



university didactics for advice. At least two competent women and two competent men must belong to the appointment committee; in addition, Article 10, Paragraph 2, Clause 2 (the goal of equal appointments with women and men) applies. The obligations according to sentence 3 must be referred to in a suitable manner. If the professorship to be filled is associated with tasks in the university hospital, a member of the hospital board and a competent person designated by the board are entitled to vote in the meetings of the appointment committee. In the case of W3 professorships, the appointments committee draws up an appointment proposal, which should contain three names, after obtaining external and comparative reports. external reports are sufficient for artistic professorships at music and art colleges. The dean of studies or the head of the department has to comment on the skills and experience of the applicants in teaching. The individual members of the appointments committee can submit a dissenting opinion, which must be attached to the appointment proposal. The appointment proposal requires the approval of the faculty council or the local senate; the constitution regulates the involvement of the Senate. Insofar as the professorship to be filled is associated with tasks in the university hospital, the approval of the hospital board is also required. Deviating from sentence 1, the rector of the study academy at the DHBW, where the position is to be filled, forms an appointment committee in agreement with the Executive Committee of the DHBW, which he or she heads, unless a member of the Executive Committee of the DHBW assumes the chair or transfers it to a representative. For the rest, sentences 2 to 4 and 6 to 9 apply.

(3a) The tasks of the Appointment Committee include the active recruitment of female applicants. The obligations under sentence 1 must be referred to in a suitable manner.

(4) The university may make promises to professors regarding the provision of human and material resources for the intended area of responsibility within the framework of the existing resources. They are subject to the approval of the necessary budget funds by the state parliament as well as state and internal university regulations for the distribution of positions and funds. The commitments regarding the personnel and material equipment for the areas of responsibility of professors are to be limited to a maximum of five years in the context of appointment and retention negotiations and are to be granted by the university after a further five years with regard to the provisions of § 13 paragraph 2 check. The universities must regularly review previous commitments within the meaning of sentence 3 and adjust them if necessary.

(5) If persons are temporarily assigned the task of a professor, paragraphs 1 to 3 shall not apply. The right to vote and the eligibility for election of a professor are not connected with the task of performing the duties of a professor.

#### **Section 48a Joint appointments**

(1) Subject to the requirements of Article 48, the universities can carry out joint appointments with non-university research institutions to promote and intensify their cooperation in research and teaching. The universities and the non-university research institutions regulate the concrete form of the respective joint appointment by means of a contract under public law.

(2) The persons appointed according to paragraph 1 have the legal status of members of the university in the group of university teachers.

#### **§ 49 Employment status of professors**

(1) The professors are appointed as civil servants for a limited period of time, on probation or for life if they are appointed to the civil service.

(2) For professors, a fixed-term or permanent employment relationship under private law can also be established by concluding an employment contract. A fixed-term employment contract can also be concluded for a probationary period. The service contract is concluded by the Ministry of Science. Section 7 paragraph 1 number 2, Section 33 paragraph 1 sentence 3 and paragraph 2 of the Civil Service Act apply accordingly. The Ministry of Science can transfer the power to conclude service contracts to the rector in general or on a case-by-case basis. For the

time they belong to the teaching staff, professors employed under private law have the same designation as the corresponding civil servant professors. Professors in an employment relationship under private law can be employed for at least one fifth and less than half of the regular working hours of a corresponding full-time professor (part-time employment); for the calculation of the times according to paragraph 6 sentence 1 clause 2, the times of part-time employment are not taken into account. Part-time professors must have a full-time job outside of the university sector. The employment contract must stipulate that it ends without notice if the full-time employment relationship outside of the university sector ends. An increase in the scope of employment to or above half of the regular working hours is excluded. With the exception of sentence 1 number 1, Section 50 subsection 2 shall not apply. Part-time professors are considered university teachers within the meaning of Section 44 paragraph 1 sentence 1 number 1; they are members of the university within the meaning of Section 9 Paragraph 4; if the law or the constitution provides for an active or passive right to vote, it shall be exercised in the member group according to § 10 paragraph 1 sentence 2 half-sentence 1 number 1. The teaching obligation is to be regulated in the contract of employment in accordance with the statutory ordinance issued in accordance with Section 44 (4). Part-time professors are considered university teachers within the meaning of Section 44 paragraph 1 sentence 1 number 1; they are members of the university within the meaning of Section 9 Paragraph 4; if the law or the constitution provides for an active or passive right to vote, it shall be exercised in the member group according to § 10 paragraph 1 sentence 2 half-sentence 1 number 1. The teaching obligation is to be regulated in the contract of employment in accordance with the statutory ordinance issued in accordance with Section 44 (4). it is exercised in the member group according to § 10 paragraph 1 sentence 2 clause 1 number 1. The teaching obligation is to be regulated in the contract of employment in accordance with the statutory ordinance issued in accordance with Section 44 (4). it is exercised in the member group according to § 10 paragraph 1 sentence 2 clause 1 number 1. The teaching obligation is to be regulated in the contract of employment in accordance with the statutory ordinance issued in accordance with Section 44 (4).

(2a) Professors who perform tasks in patient care in a university hospital are generally hired in a temporary or permanent employment relationship under private law within the meaning of paragraph 2 sentence 1.

(3) Unless there are official reasons to the contrary, professors can, in the interest of promoting research and art, work at research or art institutions that are at least partially financed from public funds, in particular within the framework of cooperation agreements with universities, upon application without remuneration up to be granted leave of absence for twelve years. The leave of absence requires the approval of the dean's office or the rector of the academy. The leave of absence can be extended upon request. The existence of public concerns or official interests is recognized for the period of leave of absence. In these cases, the Senate can, at the request of the responsible faculty or the responsible academic academy, determine that the membership rights and obligations shall not be suspended during the period of leave of absence.

(4) Upon request, the universities can give professors leave of absence for a period of up to four years in order to work at institutions other than those mentioned in paragraph 3, if the activity carried out during the leave of absence serves official interests. The leave of absence requires the approval of the dean's office or the rector of the academy. In justified exceptional cases, the leave of absence can be extended once by up to three years. Paragraph 3 sentences 4 to 6 apply accordingly.

(5) Retirement due to reaching the age limit becomes effective at the end of the semester in which the professor reaches the age limit. If the transfer to retirement occurs upon application, it should be announced at the end of a semester, unless there are health reasons to the contrary. A dismissal from the civil service upon application can be postponed until the end of

the semester if official matters require it. After retirement, the professors can hold courses and participate in examination procedures.

(6) The professors with civil servant status for life or for a limited period of time or in employment under private law can use the designation »Professor« as a lead academic dignity; this only applies if they have worked as a professor at the university for at least six years and they are not authorized to use the designation »Professor« or »Professor« on the basis of other regulations. The authority to use this designation can be revoked by the senate of the university if the former member of the faculty proves to be unworthy of it.

(7) Professors can be temporarily released from their other duties (studio, repertoire, research, teaching or practical semesters) for certain research, teaching and development projects as well as for further training in practice while retaining their salaries ). The correct representation of the subject in teaching and the implementation of examinations must be guaranteed. As a rule, the exemption can only be granted for one semester and at the earliest four years after the end of the last exemption. The rectorate of the university decides on the application for exemption. The application may only be granted if the professor undertakes to only carry out secondary activities during the leave of absence in accordance with sentence 1 under the conditions and to the extent as this is permitted under the secondary employment regulations. The result of the activity within the meaning of sentence 1 should be reported to the responsible university committees. The musical repertoire that has been developed is to be publicly performed in the music academy and works of fine art are to be publicly exhibited in the academy.

(8) Professors at teacher training colleges can be released from their other duties for one or two semesters in full or in part for one or two semesters in accordance with paragraph 7, in order to generally take on a part-time teaching assignment at a school in accordance with the employment regulations for teachers at this school school type to be able to expand their practical experience and deepen it scientifically. During this time, the professor is subject to the supervision of the school administration.

## **§ 50** **University teachers** **on probation and on a temporary basis**

(1) When first appointed to a professorship, professors can be appointed civil servants on probation. The probationary period is three years; § 19 paragraph 6 LBG applies accordingly. In the case of employment under private law, sentences 1 and 2 apply accordingly.

(2) Irrespective of paragraph 1, professors can be appointed or appointed on a temporary basis in exceptional cases:

1. to attract outstandingly qualified people from science, art or professional practice,
2. to perform managerial functions as senior physician or to independently represent a subject within a department,
3. if the costs are fully or predominantly covered by third-party funds,
4. in connection with a managerial position in a non-university research institution that is filled as part of a joint appointment procedure,
5. to promote particularly qualified young scientists at universities and teacher training colleges or
6. for temporary tasks in science and art, research and teaching, teacher training or for other reasons that suggest a time limit.

Employment in a temporary professorship is for a maximum of six years, in the cases of sentence 1 number 3 for a maximum of ten years. In the cases of sentence 1 number 5, an

office of salary group W 2 is transferred. The employment takes place as a civil servant for a limited period of time or as a fixed-term employment relationship under private law. A renewed appointment to a temporary civil servant or the conclusion of a fixed-term employment contract is only permissible if the total duration of the temporary civil servant or the fixed-term employment contracts pursuant to sentence 1 does not exceed six years, or ten years in the cases of sentence 1 number 3. If the employment relationship according to sentence 1 is to be continued for a limited period after the deadline has expired, it is not necessary to conduct a new appointment procedure; the Rectorate makes the decision on the proposal of the responsible faculty or the responsible study academy. Retirement after the end of the term of office is excluded. For the rest, § 45 paragraph 6 applies.

(3) Civil servants of the State of Baden-Württemberg who are to be employed as university teachers for a limited period of time or on a probationary basis may be granted special leave for this period with no salary being paid; Section 73 paragraph 1 sentence 1 and paragraph 2 LBG applies accordingly. The previous civil service relationship remains in place. During the period of employment as a temporary university teacher or as a probationary professor in a civil service contract, the rights and obligations from the previous civil service contract are suspended.

### **§ 51 junior professorship**

(1) Junior professors have the task of qualifying themselves for appointment to a professorship at a university or equivalent university by independently performing the tasks incumbent on their university in science and art, research, teaching, studies and further education. This must be ensured when designing their employment relationship and the functional description of their position.

(2) The employment requirements for junior professors are in addition to the general employment law requirements

1. a university degree,
2. Pedagogical aptitude, which is usually to be proven through experience in teaching or training,
3. special ability to do academic work, which is usually proven by the outstanding quality of a doctorate, or special ability to do artistic work.

Only those who can prove three years of school practice should be appointed to a position whose job description provides for the performance of educational science or subject-related didactic tasks in teacher training.

(3) If employment as an academic employee took place before or after the doctorate, the doctorate and employment phase together should not have lasted more than six years, in the field of medicine no more than nine years. Extensions according to § 2 paragraph 5 sentence 1 numbers 1 and 3 to 5 of the Science Time Contract Act (WissZeitVG) are not taken into account. § 2 paragraph 3 sentence 1 WissZeitVG applies accordingly.

(4) The positions for junior professors are generally to be advertised internationally. The tender must describe the type and scope of the tasks to be performed. Section 46 paragraph 3 applies accordingly.

(5) The junior professors are appointed by the rector at the suggestion of the selection committee after hearing the faculty council. When being appointed to a junior professorship, members of one's own university can only be considered in justified exceptional cases or only if they have changed universities once after their first university degree or have been scientifically active outside the appointing university for at least two years, unless the requirement of the Selection of the best according to Article 33 paragraph 2 of the Basic Law requires the appointment of the member of the university. If the person to be appointed is to

perform tasks in the university hospital, the appointment may only be made if the university hospital has given its consent.

(6) In order to prepare the appointment proposal, the rectorate, in consultation with the faculty, forms a selection committee that is headed by a member of the rectorate or a member of the dean's office of the faculty in which the position is to be filled; the faculty concerned has the right to propose candidates for the selection committee. In the selection committee, the professors have the majority of the votes; it must also include at least one external expert, two women with specialist knowledge, the equal opportunities officer and one student. For the rest, § 48 paragraph 3 applies accordingly.

(7) Junior professors are appointed as temporary civil servants for a period of up to six years. The performance of the junior professor is to be evaluated at the end of his or her period of service to determine his or her suitability and qualification as a university teacher. If the employment relationship is initially limited to a period of up to four years, an interim evaluation will be carried out at the end of this employment relationship; in this case, the junior professor's status as a civil servant should be extended by the rector to a total of six years with his or her consent at the suggestion of the responsible faculty if he or she has proven himself or herself according to the results of the interim evaluation; otherwise, the civil servant status can be extended by up to one year with the consent of the junior professor. Other extensions are not permitted apart from the cases of Section 45 Paragraphs 6 and 6a; this also applies to a renewed appointment as a junior professor, unless the junior professor is hired before the end of four years of the civil service relationship and taking into account the previous employment period. Retirement after the end of the period of service is excluded. Evaluations within the meaning of this paragraph are not evaluations within the meaning of § 5. Other extensions are not permitted apart from the cases of Section 45 Paragraphs 6 and 6a; this also applies to a renewed appointment as a junior professor, unless the junior professor is hired before the end of four years of the civil service relationship and taking into account the previous employment period. Retirement after the end of the period of service is excluded. Evaluations within the meaning of this paragraph are not evaluations within the meaning of § 5. Other extensions are not permitted apart from the cases of Section 45 Paragraphs 6 and 6a; this also applies to a renewed appointment as a junior professor, unless the junior professor is hired before the end of four years of the civil service relationship and taking into account the previous employment period. Retirement after the end of the period of service is excluded. Evaluations within the meaning of this paragraph are not evaluations within the meaning of § 5. Retirement after the end of the period of service is excluded. Evaluations within the meaning of this paragraph are not evaluations within the meaning of § 5. Retirement after the end of the period of service is excluded. Evaluations within the meaning of this paragraph are not evaluations within the meaning of § 5.

(8) An employment relationship under private law can also be established for junior professors; Paragraph 7 applies accordingly. During their employment under private law, they use the designation »Juniorprofessorin« or »Juniorprofessor«.

(9) The Senate can, at the faculty's suggestion, award a junior professor the title of "non-scheduled professor" after the full-time expiration of the civil servant's contract or fixed-term employment under private law, if he or she, in accordance with paragraph 7 has continued to prove its worth and as long as she or he carries out teaching tasks amounting to at least two semester hours per week; the implementation of these events must not be made dependent on the payment of a teaching fee. Section 39 subsection 4 sentence 3 applies accordingly to the revocation of the authorization to use the designation.

### **§ 51a Lecturers**

(1) Lecturers are mainly active in teaching, without prejudice to the other official tasks according to § 46.

(2) Employment requirements for lecturers are in addition to the general employment law requirements

1. a university degree,

2. special pedagogical aptitude, which is usually to be proven by experience in teaching or training,
3. a special aptitude for scientific work, which is usually proven by the quality of a doctorate.

Only those who can prove three years of school practice should be appointed to a position whose job description provides for the performance of educational science or subject-related didactic tasks in teacher training. Section 51 paragraphs 4 to 6 apply accordingly.

(3) Subject to sentence 8, the first appointment is to the position of junior lecturer. The employment of the junior lecturer is limited to a maximum of six years. The performance of the junior lecturer is to be evaluated at the end of his or her period of service to determine his or her suitability and qualifications as a university lecturer, particularly in teaching. If the employment relationship is initially limited to a period of up to four years, an interim evaluation will be carried out at the end of this employment relationship; in this case, the employment relationship should be extended by the rector to a total of six years with his or her consent at the suggestion of the responsible faculty, if she or he has proven himself according to the results of the interim evaluation; otherwise, the employment relationship can be extended by up to one year with the consent of the junior lecturer. A further extension is not permitted apart from the cases of § 45 paragraphs 6 and 6a; this also applies to a renewed appointment as a junior lecturer. If the junior lecturer has proven himself or herself according to sentence 3, he or she can be taken on for an unlimited period of time (university lecturer). In this case, paragraph 2 sentence 3 does not apply. A university lecturer can also be appointed if, in addition to the requirements according to paragraph 2, a habilitation, proof of the successful completion of an activity as a junior professor or the requirements according to § 47 paragraph 1 number 4 letter c as well as further experience and aptitude for teaching that goes beyond the level according to paragraph 2 sentence 1 number 2. University lecturers use the university law designation "Professor with a focus on teaching" or "Professor with a focus on teaching"; Junior lecturers bear the university law designation "Junior professor with a focus on teaching" or "Junior professor with a focus on teaching". Section 51 paragraph 7 sentence 6 applies accordingly. University lecturers use the university law designation "Professor with a focus on teaching" or "Professor with a focus on teaching"; Junior lecturers bear the university law designation "Junior professor with a focus on teaching" or "Junior professor with a focus on teaching". Section 51 paragraph 7 sentence 6 applies accordingly. University lecturers use the university law designation "Professor with a focus on teaching" or "Professor with a focus on teaching"; Junior lecturers bear the university law designation "Junior professor with a focus on teaching" or "Junior professor with a focus on teaching". Section 51 paragraph 7 sentence 6 applies accordingly.

(4) Employment as a junior lecturer takes place as a civil servant for a limited period of time or as part of a fixed-term employment relationship under private law. The employment as a university lecturer takes place as a civil servant for life or in an open-ended private-law employment relationship; Exceptions are possible according to § 50 paragraph 1 and paragraph 2 sentences 1 and 2 as well as 4 to 8. Retirement at the end of the period of service as a junior lecturer is excluded. Section 49 paragraphs 5 to 8 apply accordingly to the university lecturer. Lecturers employed under private law are referred to as "junior lecturers" or "university lecturers"; Paragraph 3 sentence 9 applies accordingly to university lecturers employed under private law. § 51 paragraph 9 applies accordingly to junior lectureships.

## §

### **51b tenure track professorship; Tenure Track Lectureship**

(1) Tenure-track professors are junior professors according to Section 51 whose appointment is associated with the promise of later acceptance to a professorship of comparable denomination in a higher salary group in the event of probation (tenure-track Professorship). The prerequisite for a tenure-track professorship is that the requirements specified in a quality assurance concept of the university agreed with the Ministry of Science, in particular the suitability, qualification and professional performance in the event of later acceptance in accordance with Section 48 paragraph 1 sentence 4, and the promise of acceptance in the event of probation. Section 51 paragraph 6 applies with the proviso that that internationally renowned experts are to be involved in the appointment procedure for filling the tenure track

professorship. Procedures, requirements, criteria and standards of the evaluation according to § 51 paragraph 7 sentence 2 must be communicated in writing as part of the appointment agreement for the tenure track professorship. Section 48 paragraph 4 applies accordingly.

(2) The quality assurance concept according to Paragraph 1 Clause 2, which contains in particular details on structures, procedures and quality criteria, including the procedure, the requirements, criteria and standards of the evaluation according to Article 51 Paragraph 7 Clause 2 as well as the number and composition of the evaluation committees, regulate the universities by statute. An interim evaluation or other suitable measures for feedback on previous performance during the qualification period and status advice before initiating the evaluation in accordance with Section 51 (7) sentence 2 must be provided for in the quality assurance concept. At least one evaluation body must meet the minimum requirements for staffing appointment committees under this law. External members are to be involved in the evaluation in a suitable manner.

(3) If employment under private law is established for tenure track professors, they will be referred to as "tenure track professors" during their employment under private law. Paragraph 2 sentence 5 applies accordingly.

(4) The appointment of a junior lecturer according to § 51a paragraph 3 sentence 1 can be combined with the promise of later acceptance into a lectureship or professorship of a higher salary group in the event of probation (tenure-track lectureship). For tenure track lectureships, paragraph 1 sentences 2 to 4 and paragraph 2 apply accordingly. Tenure track lecturers bear the academic legal designation "tenure track professor with a focus on teaching" or "tenure track professor with a focus on teaching". Sentence 3 applies accordingly to tenure-track lecturers who are employed under private law.

## **§ 52 Academic staff**

(1) Academic employees are civil servants and employees under private law who, bound by instructions, are responsible for scientific services in accordance with their job description as part of the fulfillment of tasks at the university, in particular in science, research, teaching and further education. The scientific services also include the performance of tasks in teaching. In the field of medicine, scientific services also include activities in patient care. Insofar as academic staff are assigned to university teachers, they provide their academic services under their professional responsibility and supervision. If academic employees are also given the right to examine in accordance with sentence 6, clause 2, participation in examinations is part of their official duties. The job description is issued by the rectorate at the suggestion of the dean's office or the rector of the academy, whereby this task can be transferred from the rectorate to the dean's office or the rector of the academy; In justified cases, at the suggestion of the dean's office or the rector of the academy, the rector's office can also assign academic staff to carry out research and teaching tasks independently. Academic employees are entitled to the creation of a job description, which also defines the scope of the teaching obligation. Job descriptions are subject to change according to the needs of the university.

(2) Academic employees who are employed on a fixed-term basis can be assigned tasks that are also conducive to the preparation of a doctorate or the provision of additional academic achievements. They should be given sufficient opportunity for their own in-depth scientific work as part of their duties.

(3) In addition to the general employment law requirements, a prerequisite for the employment of academic employees is usually a completed university degree. If academic employees are to be employed as civil servants in the higher service, they will be assigned an office in the career path of the Academic Councilor of State Salary Regulation A in Annex 1 to the State Salary Act of Baden-Württemberg, provided they meet the requirements under public service law. If civil servants or judges are seconded to the university as academic staff, the secondment should generally not exceed six years.

(4) Academic employees with a qualified doctorate and doctors or dentists who are recognized as medical specialists or, if this is not required in the respective specialty, with proof of medical activity of at least five years after receiving the Approbation, appointment or permission to

practice the profession can be appointed as an academic councilor in a temporary civil service relationship for a period of three years; when performing the tasks of a senior physician in the field of medicine, the appointment as senior academic councilor takes place. You are able to carry out tasks independently in research, to transfer teaching and further education and to give the opportunity for one's own scientific further education. The employment relationship can be extended by three years. A further extension of the employment relationship or a new appointment as an academic councilor or senior academic councilor in a civil service contract is not permitted. Retirement at the end of the period of service is excluded.

(5) The supervisor of the academic staff is the head of the higher education institution to which they are assigned, or the dean if they are exclusively assigned to a faculty. Insofar as academic staff are assigned to the area of responsibility of a university professor, the latter is authorized to give instructions.

(6) Academic employees are also the artistic-technical teachers working at the academies of fine arts and the Hochschule für Gestaltung, artistic-technical senior teachers, first artistic-technical senior teachers and privately employed teachers with similar tasks these colleges. Within the scope of their subject, they are also responsible for providing services in practical and technical terms in artistic development projects and in the maintenance of furnishings and equipment. Deviating from paragraph 3 and from §§ 15 and 16 LBG, anyone who has a master's examination, pedagogical aptitude and the ability to independently exercise the office can also be employed.

(7) Full-time academic employees with the obligation to teach independently at music colleges are awarded the university law designation »lecturer at a music college« or »lecturer at a music college« by the university for the time they belong to the teaching staff. As a rule, you must provide evidence of a completed university degree as well as good subject-related performance in practice and pedagogical aptitude.

(8) Lecturers are full-time academic employees who conduct courses, especially in modern foreign languages and on regional studies. They should be able to prove that they have completed a university degree and speak a foreign language that is to be taught as their mother tongue.

### **§ 53**

#### **Personnel with tasks in the university hospital**

(1) The academic staff of the university is obliged, in accordance with their employment relationship, to perform patient care and other tasks in the field of public health and schools for non-medical medical professions in the university hospital. This does not apply to professors who are employed under private law in accordance with Section 49 (2a); the performance of tasks in patient care in a university hospital is regulated within the framework of a temporary or permanent employment relationship under private law.

(2) Persons working full-time at a university or a university hospital with medical, dental or veterinary tasks who are not members of the group of university teachers belong to the group of academic staff in terms of service and membership law if they also have research tasks and teaching to fulfill.

### **Section 54**

#### **Duties at the**

#### **institutes of forensic medicine at the university hospitals**

Activities and services of the directors and employees of the forensic medicine institutes at the university hospitals, which are provided at the request of public authorities, are part of the official duties. These are in particular blood alcohol tests, toxicological tests, autopsy, molecular biological reports and forensic trace analysis. Agreements are made between the Ministry of Science and the requesting departments about the remuneration for the activities and services used within the scope of official duties.

### **Section 55**

#### **Honorary Professorship; guest professorship; senior professorship**



(1) The university can appoint honorary professors. These must meet the hiring requirements according to § 47, show evidence of at least three years of independent teaching at a university and may not be full-time university teachers at this university or private lecturers at this university. They should conduct courses in their subject area of at least two semester hours per week; the implementation of these events must not be made dependent on the payment of a teaching fee; they can be involved in exams and research. They have a legal relationship with the university under public law and are entitled to use the designation »Professor«. The Senate regulates the appointment and its revocation in the basic order or through other statutes. Appointment as an honorary professor does not establish a civil service or employment relationship. The universities report annually to the Ministry of Science on the number and teaching activities of their honorary professors.

(2) For a limited period of time, the university may invite university teachers from other universities or personalities from scientific or artistic practice who meet the requirements for a professorship as guest professors for specific tasks in research, teaching, art and further education order. Section 33 paragraph 2 of the Civil Service Tax Act applies accordingly. For the duration of their appointment, they bear the designation "guest professor" or "guest professor"; with the expiry, revocation or withdrawal of the appointment as a visiting professor, the authorization to use the designation »guest professor« also expires.

(3) Universities are entitled to award retired professors the designation "senior professor" as an academic honor. The procedure regulates the basic order. This does not establish an employment relationship.

### **Section 56 Lecturers**

(1) To supplement the range of courses, teaching assignments can be granted. At art colleges, teaching assignments can also be given to ensure the range of courses in a subject. The lecturers carry out the teaching tasks assigned to them independently. A teaching assignment is to be remunerated; this does not apply if lecturers waive their remuneration or if the burden resulting from the teaching assignment is taken into account when assessing the official duties of full-time public sector employees.

(2) Lecturers must at least meet the requirements of Section 47 Paragraph 1 Numbers 1 and 2 or Paragraph 4 and correspond to the intended area of responsibility in terms of previous training, ability and professional performance. The lecturers are in a public-law employment relationship with the state of Baden-Württemberg; § 46 paragraph 6 sentences 2 and 3 applies accordingly to the remuneration of teaching assignments.

### **Section 57 Student and research assistants; teaching assistants**

Persons with a first university degree can be employed as research assistants. Anyone who is enrolled in a degree program at a university can be hired as a student assistant; the employment relationship is to be terminated at the latest upon exmatriculation. Employment is permitted for a period of up to six years and takes place in fixed-term private-law employment relationships with less than half the average regular working hours of a collectively agreed employee in the state. Scientific and student assistants carry out auxiliary activities for research and teaching and support students in tutorials. Scientific assistants who carry out their auxiliary activities mainly in the field of teaching,

### **Section 2 students**

### **Section 58 Access to undergraduate courses**

(1) Anyone who has the necessary qualifications is entitled to study in an undergraduate course, provided there are no obstacles to enrollment. Citizens of foreign countries and stateless persons must also prove that they have the language skills required for the course.

(2) The qualification for a course of study in an undergraduate course is proven by

1. the general higher education entrance qualification;

it entitles you to study all disciplines at all universities; it is acquired in accordance with the provisions of the school law for Baden-Württemberg,

2. the subject-related higher education entrance qualification;

it entitles you to study the relevant subject at a university, a teacher training college, an art college and the DHBW as well as to study all subjects at a university of applied sciences; it is acquired in accordance with the provisions of the school law for Baden-Württemberg,

3. the advanced technical college entrance qualification;

it entitles you to study at a university of applied sciences and to study early education and upbringing (elementary pedagogy) at a university of education; it is acquired in accordance with the provisions of the school law for Baden-Württemberg; the successful completion of the last class of a technical college conveys the same qualifications,

4. a school qualification and an advanced examination (delta examination);

it entitles you to study a bachelor's degree at any university; Those who have a subject-related higher education entrance qualification or a technical college entrance qualification and are aiming to study in a bachelor's degree course to which the higher education entrance qualification obtained does not entitle them are admitted to the delta examination; The details of the delta examination are regulated by the universities through their statutes in accordance with paragraph 3,

5. a recognized advanced vocational training examination;

it entitles you to study all disciplines at all universities; A master craftsman's examination or other professional advancement training regulated by public law is recognized as a qualification, in particular according to the Vocational Training Act, the Crafts Code or Section 14 of the Schools Act for Baden-Württemberg, which is fundamentally based on at least two years of vocational training and the course of which comprises at least 400 hours of instruction, or a degree in accordance with the framework agreement on technical schools of the Conference of Ministers of Education of November 7, 2002 in the current version; in addition, written proof of a counseling interview at a university according to § 2 paragraph 2 must be provided; the Ministry of Science, in agreement with the Ministry of Education, the Ministry of Economic Affairs,

6. a professional qualification and an aptitude test;

it entitles you to study a course of study that corresponds to the professional training and professional experience; Admission to the aptitude test is granted to anyone who has completed at least two years of vocational training that is relevant to the desired course of study and who can provide written evidence of a counseling interview at a university in accordance with Section 2 (2); for admission to the aptitude test, professional experience of up to three years in a field corresponding to the desired course of study should be required; in particularly well-founded individual cases, proof of several years of outstanding or content-wise particularly demanding activity can also be admitted to the aptitude test for a course of study in a subject-related subject for this activity;

7. a successful talent test in suitable artistic courses;

it entitles the holder to study artistic courses at art colleges and universities of applied sciences, with the exception of scientific courses and courses that end with an examination for a state teaching position; The universities can regulate the admission requirements for the talent test by statute; Details of the talent test are regulated by the statutes in accordance with paragraph 3,

8th. a successfully completed undergraduate university degree;

it entitles you to study all disciplines at all universities; Successful completion of an artistic course of study entitles the holder to a course of study corresponding to the previous course of study at all universities, as well as to studies in all disciplines at all universities if, according to the respective study and examination regulations, scientific or not purely artistic study components have been completed that at least correspond to 45 credit points,

9. one year of successful study at a university in another federal state;

it entitles you to study in the same or a subject-related course at a university of the same type in Baden-Württemberg; a trial study based on professional qualifications in other countries, which deviates from the requirements for admission to the aptitude test according to number 6, clauses 3 and 4, is not counted towards the duration of the study,

10 a recognized foreign qualification;

a foreign qualification is recognized as a qualification for university studies if there is no significant difference to the other proof of qualification in this paragraph; Section 35 paragraph 1 sentences 4 to 6 applies accordingly; in the case of foreign or stateless applicants with foreign educational certificates, the university decides on the recognition; in the case of German applicants with foreign educational certificates, the Ministry of Education can, in agreement with the Ministry of Science, transfer responsibility for recognition to the universities; a university can commission another university to decide on the recognition of foreign educational certificates,

11. a successful assessment test at a preparatory college in accordance with § 73 paragraph 2 sentence 2,

12. other domestic and foreign educational backgrounds recognized by the Ministry of Education.

(3) The examinations according to Paragraph 2 Numbers 4 and 6 serve to determine whether the person is suitable for studying in the chosen course of study on the basis of their personality, previous knowledge, mental abilities and motivation; the examination according to paragraph 2 number 7 serves as proof of a special artistic talent and a general education sufficient for the course. The details, in particular admission to the examination, the requirements in the examination, the type and scope of the examination performance, the composition of the examination committee, the examination procedure and the consequences of violations of examination regulations are regulated by the universities through their statutes. A university can commission or agree on another university to carry out the examination, that a university conducts the aptitude test with effect for all universities involved in the agreement; § 6 paragraph 3 sentence 2 applies accordingly to the joint implementation of the examination. The examination according to paragraph 2 number 6 consists of written and oral examination parts and includes both general and subject-specific examination parts. Family work with independent management of a household and responsibility for at least one person in need of upbringing or care will be credited with up to two years of professional experience according to paragraph 2 number 6. The examination according to paragraph 2 number 6 consists of written and oral examination parts and includes both general and subject-specific examination parts. Family work with independent management of a household and responsibility for at least one person in need of upbringing or care will be credited with up to two years of professional experience according to paragraph 2 number 6. The examination according to paragraph 2 number 6 consists of written and oral examination parts and includes both general and subject-specific examination parts. Family work with independent management of a household and responsibility for at least one person in need of upbringing or care will be credited with up to two years of professional experience according to paragraph 2 number 6.

(4) In courses of study which, in addition to the qualification according to paragraph 2, require the determination of the subject-specific ability to study, the universities can require successful participation in an entrance examination. The university determines the subject-specific ability to study on the basis of at least two of the following characteristics:

1. the individual grades of the higher education entrance qualification, which provide particular information about the ability to study for the chosen course,
2. the type of vocational training and professional activity, the special educational background, practical activities as well as extracurricular achievements and qualifications that provide particular information about the ability to study for the chosen course of study,
3. the result of a subject-specific study aptitude test or
4. the result of a selection interview in which the ability to study for the chosen course and for the desired profession is determined.

If the university carries out academic aptitude tests or selection interviews, it can make a pre-selection based on the average grade of the university entrance qualification, a feature according to sentence 2 or a suitable combination of these pre-selection criteria. The preparation and implementation of the entrance examination is the responsibility of a committee that is to be formed at the respective university. The rectorate of the university makes the decision on the existence of the subject-specific study suitability on the basis of the result of the entrance examination determined by the committee; the rector's office can transfer its responsibility to the dean's office of the faculty to which the degree program is mainly assigned, or to the rector of the academy. The universities regulate the further details of the entrance examination by statute; this can also stipulate that the academic aptitude test may only be repeated once. In order to further develop and test new models for determining the subject-specific ability to study, the Ministry of Science can, at the request of the university, allow deviations from sentences 2 and 3 for individual courses in a statute of the respective university.

(5) For studies in the subject of sports, in addition to the qualification according to paragraph 2, the ability to study for the selected course must be proven in an entrance examination. The preparation and implementation of the entrance examination is the responsibility of a committee that is to be formed at the respective university. The universities regulate the details of the composition of the committee, the type and procedure of the entrance examination by statute.

(6) For studies in courses that require a special artistic talent, in addition to the qualification according to paragraph 2 numbers 1 to 6 and 8 to 12, the ability to study for the selected course must be proven in an entrance examination. The preparation and implementation of the entrance examination is the responsibility of a committee that is to be formed at the respective university. The universities regulate the details of the composition of the committee, the type and procedure of the entrance examination by statute.

(7) The universities can stipulate for individual degree programs by statute that, in addition to the qualification according to paragraph 2, proof of completed training in a training occupation and practical work of up to two years must be provided if this practical work is necessary with regard to the study objective.

(8) In the case of foreign students who only want to study at a German university during a certain phase of their studies, the rector can allow exceptions to paragraphs 2, 4 and 6 in justified cases. This applies in particular to students from foreign universities with whom there is cooperation through student exchanges.

## **§ 59**

### **Access to non-undergraduate courses and to contact studies**

(1) Access to a master's degree requires a university degree or an equivalent degree. The universities can set additional requirements in their statutes. Section 58 paragraph 8 applies accordingly. The universities recognize foreign qualifications in accordance with § 35.

(2) Admission requirements for advanced master's degree programs and other advanced degree programs according to Section 31 Paragraph 3 are a first university degree or an equivalent degree and qualified professional experience of at least one year as a rule; otherwise paragraph 1 applies accordingly. The requirement of practical professional experience does not apply to art colleges for studies that serve to deepen free artistic skills.

(3) Anyone who has completed a university degree or has acquired the necessary professional or other qualifications can take part in contact studies. The universities regulate the admission requirements in detail; in the case of the public-law design of the contact studies, this is done by statute.

## **§ 60** **Matriculation**

(1) Enrollment as a student (matriculation) takes place

- a) in a degree program or a combination of partial degree programs provided for in examination regulations or in preparatory studies under the conditions of sentence 6 or for the purpose of a research stay under the conditions of sentence 7 and usually only at a university,
- b) on the basis of acceptance as a doctoral candidate under the requirements of § 38 paragraph 5.

Admission to university studies is only permitted in the course or partial course for which the student is enrolled. Enrollment in two or more courses with admission restrictions is only permitted if this is necessary for special professional, scientific or artistic reasons. In justified cases, enrollment can be subject to a time limit or condition, and admission can also be subject to a condition. Students who only want to study at a state university during a certain part of their studies can usually be enrolled for a limited period of two semesters; they are not entitled to vote and cannot be elected and are not entitled to obtain a university degree. The university can regulate the enrollment in studies that serve to prepare for the study or the doctorate by statute; this also determines the membership rights. Sentence 6 applies accordingly to the enrollment of students from other universities for temporary research stays without acquiring credit points; enrollment only takes place if the responsible faculty confirms that the requirements are met. In the case of courses offered jointly by several universities, enrollment in accordance with sentences 1 to 5 should take place at each of the universities involved. Sentence 6 applies accordingly to the enrollment of students from other universities for temporary research stays without acquiring credit points; enrollment only takes place if the responsible faculty confirms that the requirements are met. In the case of courses offered jointly by several universities, enrollment in accordance with sentences 1 to 5 should take place at each of the universities involved. Sentence 6 applies accordingly to the enrollment of students from other universities for temporary research stays without acquiring credit points; enrollment only takes place if the responsible faculty confirms that the requirements are met. In the case of courses offered jointly by several universities, enrollment in accordance with sentences 1 to 5 should take place at each of the universities involved.

(1a) A university can regulate by statute that students enrolled at a European partner university (European students) are entitled to participate in courses and to complete coursework and examinations without enrollment for a limited period of a maximum of 30 days per semester. The statutes require the agreement of the University Council and the approval of the Ministry of Science. Within the framework of the ›Erasmus+: European Universities‹ program of the European Union, the period according to sentence 1 can be extended to 90 days per semester, provided that reciprocity is guaranteed in relation to the respective partner university.

(2) The enrollment according to paragraph 1 sentences 1 to 5 is to be denied if

1. which are not met in or on the basis of Sections 58 and 59,
  2. an examination required by the examination regulations in the same degree program was finally failed or the entitlement to examinations no longer exists for other reasons; the statutes of the university can stipulate that this also applies to related courses with essentially the same content; for study sections before the preliminary or intermediate examination, a corresponding comparability of the study programs in this section is sufficient,
  3. Admission numbers have been set for the degree program and the person was not allocated a place on the course or did not make use of the allocation in a timely manner,
  4. the person is in a service, employment or training relationship or is otherwise professionally active, unless they can prove that they have the time to devote themselves to their studies without restriction, in particular to attend the required courses,
  5. the person wants to change an undergraduate course in the third semester or in a higher semester and does not provide written proof of subject-related advice on the intended undergraduate course in accordance with Section 2 (2),
  6. the person does not provide proof of participation in a study orientation procedure for an undergraduate course at universities pursuant to Section 1 paragraph 2 numbers 1, 2 and 4; The universities regulate the details of the design and implementation of the study orientation process in their statutes; for teacher training courses, proof of participation in a special teacher orientation test coordinated with the Ministry of Education must be provided,
  7. in the bachelor's degree programs at the DHBW, the person who is admitted to the respective study academy according to § 65 c paragraph 2 does not present a study contract with a dual partner; the study contract must correspond to the principles established by the DHBW for the design of the contractual relationships,
- 8th. the person has not paid due taxes and fees that arose in connection with the study or
9. another public-law provision or decree prevents enrollment.

(3) Enrollment according to paragraph 1 sentences 1 to 5 can be refused if

1. the required language skills for the respective course have not been proven,
2. the procedural rules prescribed for the application have not been complied with,
3. at the DHBW the application for admission is not within the scope of the participation specified for this dual partner in accordance with Section 27 b paragraph 1 sentence 2 number 4 letter b,
4. the person suffers from an illness that seriously endangers the health of other students or seriously impairs the proper course of studies, or
5. the person is serving a prison sentence.

#### **Section 61**

#### **Leave of absence**

(1) Upon application, students can be released from the obligation to study properly for good cause (leave of absence). As a rule, the period of leave of absence should not exceed two semesters.

(2) Notwithstanding paragraph 3, students on leave of absence are not entitled to attend courses or to use university facilities, with the exception of the facilities pursuant to Section 28. The universities regulate in their statutes whether and to what extent students on leave of absence may take part in the self-administration of the university or take examinations.

(3) Students can take periods of protection in accordance with § 3 paragraph 1, § 6 paragraph 1 of the Maternity Protection Act and parental leave in accordance with § 15 paragraphs 1 to 3 of the Federal Parental Allowance and Parental Leave Act; they are to be granted leave of absence for this upon request. The same applies to the times of caring for a close relative within the meaning of Section 7 Paragraph 3 of the Caregiver Leave Act, who is in need of care within the meaning of Sections 14 and 15 of the Eleventh Book of the Social Code. Students on leave of absence according to sentences 1 and 2 are entitled to take part in courses, to complete coursework and examinations and to use university facilities. Times according to sentences 1 and 2 are not counted towards the leave of absence according to paragraph 1 sentence 2.

## **Section 62 Exmatriculation**

(1) The membership of students in the university expires when they are de-registered. De-registration takes place at the request of the student or ex officio.

(2) Students are to be de-registered ex officio if

1. they have been handed the final certificate, in the case of state examinations no later than one month after passing the final examination, unless they are still enrolled in another course, are studying at a foreign university or intend to repeat the examination to improve their grades and continue to pass apply for enrollment
2. in courses with restricted admission, the withdrawal of the notification of admission has become final or can be enforced immediately, or the admission has expired for another reason or does not exist and you are no longer enrolled in any other course,
3. they have lost the right to take an examination,
4. you have not paid fees and charges that arose in connection with your studies after the deadline set for payment has expired, despite a reminder and threat of exmatriculation,
5. they do not prove within a period set by the university that their obligation to the responsible health insurance company according to § 254 of Book V of the Social Code has been fulfilled, unless the non-fulfilment is not the fault of the student,
6. the training relationship while studying at the DHBW has ended with legal effect and a new study contract has not been concluded within eight weeks; the specified period can be extended to up to six months in exceptional cases if this is due to extraordinary circumstances that are beyond the sphere of influence of the dual partner or the student,
7. they repeatedly or seriously violate their obligations under Section 29 (5) sentence 3, or
- 8th. they have been subject to the disciplinary measure of exmatriculation according to § 62a paragraph 2 sentence 2 number 4.

(3) Students can be de-registered ex officio if

1. an obstacle to enrollment according to § 60 occurs later,

2. a final examination has not been taken within 20 semesters for reasons for which they are responsible, or
3. they intentionally or through gross negligence violate the principles of Section 3 Paragraph 5 Sentences 1 to 3.

(4) As a rule, de-registration takes effect at the end of the semester in which it is pronounced. If there are special reasons, it can be pronounced with immediate effect. At the DHBW, you can be de-registered at the end of the academic year if this is due to extraordinary circumstances that are beyond the control of the training center or the student.

(5) The issuance of certificates of exmatriculation and the issuance of the examination certificate presupposes that students have paid the fees and charges that arose in connection with their studies.

### **Section 62a Violations of regulations, regulatory procedures**

(1) A student commits a violation of regulations if he or she

1. through the use of force, a request for violence, a threat of violence or a serious or repeated violation of a lawful order within the framework of the house rules
  - a) impairs, prevents or attempts to prevent the proper operation of a university institution, the activity of a university body, the holding of a university event or in any other way the course of studies or
  - b) significantly impairs a member or a member of the university in the exercise of his or her rights or obligations or prevents or attempts to prevent them from exercising them,
2. has been convicted of an intentionally committed criminal offense against a member or a member of the university and, depending on the type of criminal offense, there is a threat of a hindrance to the studies or other activities of the member or the member,
3. intentionally violates the dignity of another person in the area of the university through sexual harassment within the meaning of § 3 paragraph 4 of the AGG.

(2) Disciplinary measures can be imposed on students who have committed a breach of regulations according to paragraph 1. Regulatory measures are:

1. the threat of exmatriculation,
2. the exclusion from the use of university facilities,
3. the exclusion from participation in individual courses for up to one semester,
4. the exmatriculation.

(3) A regulatory committee, which must include at least one voting member from the group of students at the university, decides on the imposition of a disciplinary measure. The Senate regulates the details of the composition of the regulatory committee and the procedure for imposing a regulatory measure by statute, which requires the approval of the rectorate. With de-registration, a period of up to two years must be set, within which re-registration at the university is excluded.

### **Section 63 Implementation Provisions; underage students**



(1) Preliminary proceedings according to §§ 68 to 73 of the Administrative Court Code do not take place in the cases of §§ 58 to 62a.

(2) The universities issue the necessary provisions on admission, enrollment, leave of absence and exmatriculation, including deadlines and cut-off periods. The articles of incorporation have to make provisions in which cases, in which written form is required by law, this can be replaced by simple electronic transmission, by mobile media or by electronic form. The statutes can also provide for the obligation to submit applications electronically; in this case, exceptions for hardship cases are to be made in the articles of association.

(3) Minors who have a higher education entrance qualification are capable of acting in relation to procedural acts relating to the commencement, implementation and completion of a course of study within the meaning of Section 12 (1) number 2 LVwVfG; this applies accordingly to prospective students who only want to acquire a university entrance qualification through an examination at a university (§ 58 paragraph 2 numbers 4, 6 and 7), for the procedural acts required for this.

**§ 64**  
**guest auditors; gifted;**  
**Individuals participating in contact studies**

(1) Anyone who can provide evidence of sufficient education or artistic aptitude can be admitted to participate in individual curricular courses (guest student studies), provided that sufficient capacity is available. Guest auditors are not admitted to examinations. Academic achievements made in guest auditor studies are not recognized as part of a degree program.

(2) Pupils who, according to the joint judgment of the school and university, have special talents may be entitled to participate in courses, to acquire study and examination achievements as well as corresponding credit points and to complete individual study modules. Your acquired study and examination performances will be recognized in a later course of study if the subject equivalency is given.

(3) Persons who take advantage of contact study offers from the universities and students according to paragraph 2 sentence 1 are entitled to use the university facilities for study purposes to the required extent.

**§ 65**  
**student body**

(1) The enrolled students (students) of a university form the constituted student body (student body). It is a legal entity under public law and as such a affiliated entity of the university.

(2) The student body manages its own affairs within the framework of the legal provisions. It has the following tasks without prejudice to the responsibility of the university and the student union:

1. the perception of university policy, subject and interdisciplinary as well as the social, economic and cultural interests of the students,
2. Participation in the tasks of the universities according to §§ 2 to 7,
3. the promotion of political education and the civic sense of responsibility of the students,
4. the promotion of equal opportunities and the reduction of disadvantages within the student body,
5. promoting the integration of foreign students who are aiming for a degree in Baden-Württemberg,
6. the promotion of the sporting activities of the students,

7. maintaining national and international student relationships.

(3) In order to fulfill its tasks, the student body facilitates the exchange of opinions within the group of students and can, in particular, also comment on questions relating to the social tasks of the university, its contribution to sustainable development and the application of scientific knowledge and the assessing their consequences for society and nature.

(4) The student body maintains ideological, religious and party-political neutrality in accordance with constitutional principles.

(5) If the student body intends not only to temporarily take on specific tasks or offers within its area of responsibility that are already being taken care of by the student union responsible for the university, the student body requires the consent of the student union in order to carry out the tasks. If the student body intends not only temporarily to carry out specific tasks and offers within its area of responsibility, which also fall within the remit of the Studierendenwerk according to § 2 StWG and are currently not being carried out by it, the tasks are carried out in consultation with the responsible Studierendenwerk. If the student body intends not only to temporarily offer sports activities that involve considerable financial costs for them,

### **§ 65a**

#### **Organization of the student body; posts**

(1) The student body gives itself an organizational charter; it can give itself further statutes. The resolution on the organizational statutes, including changes to them, requires the consent of at least half of the students taking part in the vote. The organizational statutes can provide that changes to the organizational statutes can also be decided with a majority of two thirds of the members of the legislative body according to paragraph 3 sentence 1. The statutes of the student body are made known by the rectorate of the university in the manner intended for university statutes as statutes of the member body.

(2) The organizational statutes determine the composition of the organs of the student body and their responsibilities, the passing of resolutions and the announcement of the resolutions, as well as the principles for the elections, which are free, equal, general and secret. University students have active and passive voting rights.

(3) The collegial body of the student body (legislative body) is organized according to basic democratic principles in parliamentary structures. At small universities, this body can also be designed as a general assembly of students. The organization statute provides for an executive collegial body, which can also be part of the legislative body; the number of members of the executive body must be less than half the number of members of the legislative body. The executive body of the student body has a chairperson who represents the student body. The organizational statutes determine the principles for the election of the chairperson and can also provide for the election of two chairpersons who jointly represent the student body. If there are no representatives elected directly by the students at the central level of the student body, the legitimacy of these representatives from other bodies of the university or the student body, whose members are directly elected, must be ensured. The organizational statutes can provide that the student senate members belong to the legislative body as voting officers; furthermore, it should provide that the elections for the representatives of the student body take place at the same time as the elections for the student senate members and that the election period is one year; the elections can extend over several days. the legitimacy of these representatives from other bodies of the university or the student body, whose members are directly elected, must be ensured. The organizational statutes can provide that the student senate members belong to the legislative body as voting officers; furthermore, it should provide that the elections for the representatives of the student body take place at the same time as the elections for the student senate members and that the election period is one year; the elections can extend over several days. that the student members of the Senate belong to the legislative body as

voting officers; furthermore, it should provide that the elections for the representatives of the student body take place at the same time as the elections for the student senate members and that the election period is one year; the elections can extend over several days. that the student members of the Senate belong to the legislative body as voting officers; furthermore, it should provide that the elections for the representatives of the student body take place at the same time as the elections for the student senate members and that the election period is one year; the elections can extend over several days.

(4) The students of a faculty form a student body that can elect its own bodies. The rest is regulated by the organizational statutes of the student body, which can also provide that the respective student faculty council members belong to organs of the student body. The organs of the student council take care of faculty-related study matters and tasks within the meaning of § 65 paragraph 2 at faculty level. At the DHBW, a student representative body is formed for the local study academy; the rest is regulated by the organizational statutes of the student body of the DHBW.

(5) The university makes rooms available to the student body free of charge. In order to fulfill its tasks, the student body charges appropriate contributions from the students in accordance with a contribution regulation. The contributions of the students according to § 60 paragraph 1 sentence 1 letter b are to be used for their interests, managed separately and awarded in coordination with the convention according to § 38 paragraph 7 sentence 1. The obligation to contribute, the amount of the contribution and the due date of the contributions are to be regulated in the contribution regulations; the contribution regulations are issued as articles of incorporation. When determining the amount of the contribution, the social interests of the students must be taken into account. The contributions are collected free of charge by the university. Based on an agreement with the student body, the university can pay the tax, Carry out cash and billing transactions in accordance with the resolutions of the student body and within the framework of the statutory provisions. The agreement can provide for the student body to make a financial contribution for this.

(6) The organs of the student body have the right to submit applications to the responsible collegial organs of the university within the scope of their tasks; they are obliged to deal with the applications. In accordance with their organizational statutes, the student body can appoint a representative who can attend all meetings of the Senate and the Faculty Council in an advisory capacity.

(7) The members of the organs of the student body carry out their activities on a voluntary basis. The legislative body can set an appropriate expense allowance. Section 9 paragraph 7 sentence 2 and Section 32 paragraph 6 apply accordingly to activities in the organs of the student body.

(8) The student bodies of the universities in the state of Baden-Württemberg form a state-wide representation of the student bodies in order to safeguard their common interests. Details are regulated by rules of procedure, which require the approval of two-thirds of the student bodies of all universities. The rules of procedure also regulate the financing of the state-wide representation by the student bodies.

(9) The organizational statutes of the student body should provide for the establishment of an arbitration commission. The arbitration commission can be appealed to by any student at the university with the claim that the student body has exceeded its tasks according to § 65 paragraphs 2 to 4 in a specific individual case. Details of the arbitration commission, including its composition, are regulated by the organizational statutes of the student body.

#### **§ 65 b** **budget of the student body; At sight**

(1) The regulations applicable to the state of Baden-Württemberg, in particular Sections 105 to 111 LHO, shall apply accordingly to the budget and economic management; the task of the responsible ministry and the finance ministry within the meaning of §§ 105 to 111 LHO is taken over by the rectorate of the university. The organizational statutes determine who makes the decision on the management of an economic plan (§ 110 LHO) instead of a budget (§ 106

LHO). The employees of the student body are subject to the same collective bargaining agreement as employees of the university.

(2) The executive collegial body pursuant to Section 65a (3) sentence 3 appoints a budget officer within the meaning of Section 9 LHO who is qualified for higher administrative service or has comparable proven specialist knowledge of budgetary law. Office of the representative for the budget within the meaning of § 9 paragraph 1 sentence 1 LHO is the member body. She or he is directly subordinate to the chairperson of the executive body according to § 65 a paragraph 3 sentence 4; the chairperson is considered to be the head of the office within the meaning of Section 9 Paragraph 1 Clause 2 LHO. Section 16 paragraph 2 sentences 6 to 8 applies accordingly with the proviso that that the task of the rector is performed by the chairperson of the executive body according to § 65a paragraph 3 sentence 4 and the function of the university council is performed by the legislative body according to § 65a paragraph 3 sentence 1. The financial officer of the student body works together with the budget officer. The student body bears the costs of the household officer. Sentence 1 can be deviated from in justified exceptional cases with the consent of the Ministry of Science.

(3) The budget and economic management of the student body is subject to audit by the Court of Auditors. In addition, the student body commissions a competent person with qualifications for higher administrative service who is not identical to the person responsible for the budget according to paragraph 2 sentence 1, or the administration of the university with their consent, to audit the accounts. The rectorate of the university issues the discharge. The executive body of the student body must announce the income, expenditure and commitment authorizations to the university after the accounting has been completed. If a business plan has been drawn up, the annual financial statements must be made public to the university.

(4) The student body is liable for liabilities with its assets. The university and the state are not liable for liabilities of the student body.

(5) Students who intentionally or through gross negligence violate their obligations, in particular who use funds from the student body to fulfill tasks other than those specified in § 65 paragraphs 2 to 4, must compensate the student body for the resulting damage. § 59 LBG and § 48 BeamStG apply accordingly to the statute of limitations for claims by the student body.

(6) The student body is subject to the legal supervision of the rectorate of the university. Section 67 paragraph 1 and Section 68 paragraphs 1, 3 and 4 apply accordingly to legal supervision; the Rectorate of the university assumes the task of the Ministry of Science. The statutes and the budget require the approval of the rectorate of the university. Approval may be refused only if the articles of incorporation or budget are unlawful. At the DHBW, the Rectorate can transfer the legal supervision of the student representation according to § 65 a paragraph 4 sentence 4 generally or in individual cases to the rector of the academy.

(7) An economic activity of the student body is only permitted within the tasks incumbent on it and only to the extent that the type and scope of the activity is in an appropriate relationship to the performance of the student body and the expected need. The student body may not take out or grant loans; she may maintain a current account on a credit basis. The participation of the student body in commercial companies or the founding of commercial companies requires the prior approval of the rectorate of the university.

### **Section 3 Dual Partners**

#### **§ 65 c term; Task; permit**

(1) Businesses, comparable institutions outside of the economy, in particular those of the freelance professions, as well as institutions of carriers of social tasks can work together with a study academy within the framework of the dual system and participate in the training of the DHBW if they are suitable to convey the prescribed training content (dual partners).

(2) Membership in the DHBW is acquired through admission as a dual partner at a study academy (section 27 b paragraph 1 sentence 2 number 3) or at a central unit in accordance

with section 15 paragraph 8 (section 16 paragraph 3 sentence 2 number 20). , provided at least one student is enrolled at the DHBW who is in an apprenticeship or employment relationship with the dual partner. The Senate regulates the details of the eligibility requirements and the admission procedure for dual partners in guidelines that require the approval of the University Council. Dual partners admitted to several study academies may exercise their statutory rights of participation at each of these study academies; this applies accordingly to dual partners admitted to the CAS of the DHBW according to § 27a paragraph 9.

(3) A person responsible for training must be appointed for each dual partner who has a university degree or equivalent training and sufficient professional experience.

## **PART 7 Government Participation, Oversight**

### **Section 66 State Participation Rights**

(1) Insofar as the adoption, amendment or repeal of statutes or other decisions of the university under this law require the approval of the Ministry of Science, this must be denied for the legal reasons specified in paragraph 2 and can be denied for the material reasons specified in paragraph 3 . Consent can be given in part and with ancillary provisions.

(2) Consent is to be refused in the event of violations

1. against legislation,
2. against obligations of the state towards the federal government, towards other states or other legal entities under public law.

(3) Approval can be denied in the event of non-compliance with the goals and targets of the state in structural, financial and equipment-related terms.

(4) For the reasons stated in paragraphs 2 and 3, the Ministry of Science can demand the adoption or amendment of statutes or other decisions of the university. The competent bodies of the university must discuss and decide on this. The request is declared to the Rectorate. A reasonable period of time can be set with the request, in which the necessary resolutions are to be passed. If the responsible bodies of the university do not comply with the request or do not do so in good time, the Ministry of Science can issue the necessary orders instead of the university.

### **Section 67 Supervision**

(1) The universities manage their affairs under the legal supervision of the Ministry of Science.

(2) Subject to technical supervision by the Ministry of Science

1. personnel matters, unless there are other legal regulations,
2. the budget and economic affairs; insofar as these are regulated in university contracts and target agreements, only their implementation,
3. the budget, cash register, accounting and fee system,
4. Uniform principles of cost and performance accounting and reporting,
5. other tasks assigned according to § 2 paragraphs 7 and 8,
6. the study year division, the regulation of university admission, the determination of training capacity and the determination of admission numbers.

Instructions within the framework of subject supervision are to be addressed to the Rectorate; they bind the organs, committees and officials.

**§ 68 right to  
information; means of supervision**

(1) The Ministry of Science can inform itself about all university matters. In particular, it can visit the university and its facilities, examine the management and cash management and have reports and files presented to it. The Ministry of Science can bring in experts.

(2) In addition to the statistics prescribed by law, the Ministry of Science can, in consultation with the Ministry of Finance, order further statistical surveys; the facts of the survey must be university-related. Individual details about personal and factual circumstances of natural persons are not collected.

(3) The Ministry of Science can object to illegal decisions and measures. It may require unlawful actions to be reversed.

(4) If the competent bodies of the university do not comply with an order from the Ministry of Science within the framework of legal and technical supervision within the specified period or if they otherwise do not fulfill their obligations under the law or the statutes within a period set by the Ministry of Science, the Ministry of Science may take the necessary orders or measures on their behalf.

(5) Insofar as milder means, in particular the powers according to paragraphs 3 and 4, are not sufficient to ensure the functionality of the university, the faculties, the study academies and the university institutions, the Ministry of Science can appoint officers or have them appointed by the rectorate who carry out tasks of organs or committees of the university or the faculties, the study academies and the management of the university institutions to the required extent. Legal remedies against a decision according to sentence 1 have no suspensive effect.

**PART 8  
Colleges for the Civil Service**

**§ 69  
Special regulations for universities  
for the public service**

(1) Universities whose training courses are geared exclusively to the public service, subject to paragraph 2 sentence 1 number 10, can be set up as special state universities for applied sciences. The state government is authorized to set up and abolish these state universities by ordinance.

(2) For the universities for public administration and finance, for the administration of justice and for the police, an ordinance may deviate from the provisions of this law and provide that

1. they have no legal capacity,
2. they have other organs and a different procedure,
3. the procedure for the appointment of professors is regulated differently,
4. only civil servants have access to the course,
5. the enrollment ends with the termination of the civil service relationship,
6. the course of study is to be carried out and completed on the basis of an ordinance in accordance with Section 16 (2) LBG or corresponding federal regulations; Deviation from § 32 paragraph 3 sentence 2 number 3 sub-sentence 2 can be made,
7. the Ministry of Science, in agreement with the ministry responsible for the career in question, which supervises and releases professors from their teaching duties, the

obligation to take exams and self-administration for a period of up to one academic year and to a practical can delegate work in administration,

- 8th. the appointment of professors can be refrained from, the provisions of Article 45 paragraphs 2 and 4 do not apply and the other full-time teachers and lecturers are appointed by the responsible ministry; there may be a deviation from Article 44 paragraphs 1 and 2,
9. the entitlement to admission to the aptitude test pursuant to Section 58 paragraph 2 number 6 only exists if the other requirements under career law are met; Qualification test regulations according to § 58 paragraph 2 number 6 sub-sentence 6 can be made by the universities mentioned in paragraph 1 by statute, which requires the approval of the supervising ministry,
- 10 they can set up individual continuing education master's courses in the field of European or international cooperation, which are geared towards working both inside and outside the public service.

A vice-rector of the University of Police who is not a full-time member of the university management can be appointed to a temporary civil service position by the Ministry of the Interior in agreement with the university. The President and the Vice-Rector of the Police University can be dismissed for good cause by the Ministry of the Interior in agreement with the University; Section 17 paragraphs 4 and 7 and Section 18 paragraph 4 sentences 6 and 7 apply accordingly. The details are regulated by the ordinance according to sentence 1.

(3) For the colleges for the administration of justice and for the police, an ordinance can be determined, going beyond paragraph 2, that the ministry responsible for the career in question carries out the supervision and exercises the responsibilities that are in this law for the Ministry of Science are provided, with the exception of the responsibilities according to Section 34 paragraph 4 and Section 58 paragraph 2 number 10.

(4) For universities without legal capacity, the regulations required to fulfill the tasks according to § 5 paragraph 2 and § 13 paragraph 9 can be made by statutory order. This ordinance can also determine which of the personal data required to carry out the evaluation is processed and to what extent and in what form it is published. Sentence 1 applies accordingly to the powers according to § 12 paragraph 3 and paragraph 6 sentence 7. For universities without legal capacity, the ministry in whose area of responsibility the respective university is established issues the statutory ordinances required for implementation.

(5) The completion of training at the Baden-Württemberg Notary Academy (career examination for the office of district notary) obtained by December 31, 2017 is equivalent to the professional qualifications at the special state universities for the administration of justice and for public administration.

(6) The Federal Government may set up and operate technical colleges and branch offices of technical colleges in Baden-Württemberg for the training of civil servants in the higher non-technical service who are directly or indirectly employed by the federal government if they correspond to the universities established in accordance with paragraphs 1 to 3 for public administration are equivalent. Equivalence is determined by the Ministry of Science. Sections 70 to 72 apply accordingly.

## **PART 9 Independent universities; other facilities**

### **Section 70 State Recognition**

(1) Educational institutions that perform tasks in accordance with Section 2 Paragraph 1 can, at the request of the provider, be officially recognized as a university within the meaning of Section 1 Paragraph 2 Numbers 1 or 4 by resolution of the state government. With the state recognition, the name, seat and provider of the university as well as the recognized courses

are determined. Subsequent significant changes in the operation of the state-recognized university require the approval of the state government or the Ministry of Science commissioned by it; this applies in particular to the addition of a degree program and to a change in the institution responsible for the university. The establishment and operation of non-state educational institutions as universities without state recognition by the state of Baden-Württemberg is prohibited, unless there is an exception according to § 72a paragraph 1 or 2 or a permit according to § 72a paragraph 3 or it is not a church university within the meaning of Article 9 of the constitution of the state of Baden-Württemberg. The recognition should be made dependent on the implementation of an accreditation procedure by a body to be determined by the Ministry of Science with the aim of expanding the basis for decision-making in accordance with paragraphs 2 and 7. The applicant bears the costs of the accreditation procedure. The recognition should be made dependent on the implementation of an accreditation procedure by a body to be determined by the Ministry of Science with the aim of expanding the basis for decision-making in accordance with paragraphs 2 and 7. The applicant bears the costs of the accreditation procedure. The recognition should be made dependent on the implementation of an accreditation procedure by a body to be determined by the Ministry of Science with the aim of expanding the basis for decision-making in accordance with paragraphs 2 and 7. The applicant bears the costs of the accreditation procedure.

(2) Religious and other non-state educational institutions can be granted state recognition as universities if

1. it is ensured that the institution fulfills its tasks within the framework of the state order guaranteed by the Basic Law and the constitution of the state of Baden-Württemberg,
2. the course of study is geared towards the goal stated in § 29 and a sufficient range of courses is ensured,
3. there are a number of parallel or consecutive courses at the institution alone or in association with other educational institutions; this does not apply if the establishment of a number of degree programs within a subject area is not suggested by scientific development or the corresponding professional field of activity,
4. it is ensured that only those people who meet the requirements for admission to a corresponding state university are granted access to the course,
5. the full-time teaching staff meet the recruitment requirements that are required for corresponding activities at state universities, and there is a teaching staff of a comparable size to the corresponding state universities,
6. the economic and legal position of the full-time teaching staff is secured,
7. internal academic freedom is adequately secured; In particular, academic self-government must have a significant influence on the appointment and dismissal of university management, and autonomous decision-making by the academic committees must be guaranteed in the academic core area; the members of the university must be granted the right to participate in the design of the course in analogous application of the principles of this law and
- 8th. the financial circumstances of the body responsible for the institution give reason to expect that the necessary funds for the operation of the university will be made available.

Number 7 applies to ecclesiastical universities, insofar as constitutionally guaranteed rights of the churches do not conflict.

(3) The state government can permit exceptions to paragraph 2 numbers 3 and 6 for church institutions if it is guaranteed that the course of study is equivalent to a course of study at a comparable state university.



- (4) State-recognized universities have a designation in their name that must contain an addition referring to the institution and the registered office as well as the information "state-recognized university" or "state-recognized university for applied sciences".
- (5) With the state recognition, the university receives the right to take university examinations, award university degrees and issue certificates within the scope of the recognition; these provide the same authorizations as corresponding examinations, degrees and certificates from state universities.
- (6) The provisions of Part 3 apply accordingly. Examination regulations and changes to them must be reported to the Ministry of Science, unless the degree program has been accredited by the Accreditation Council. Section 55 paragraph 1 applies accordingly.
- (7) The state government or the Ministry of Science commissioned by it can grant a state-recognized university the right to confer doctorates if scientific equivalence is guaranteed in relation to the standards of the universities in accordance with § 38 paragraph 1. The Ministry of Science can allow state-recognized universities to set up preparatory colleges within the meaning of Section 73 in individual cases. In this case, statutes according to § 73 paragraph 2 sentence 2 require the approval of the Ministry of Science.
- (8) Institutions of state-recognized universities are not entitled to state financial aid. § 55 paragraph 1 applies accordingly; the appointment requires the approval of the Ministry of Science.
- (9) The procedure according to paragraphs 1 to 7 can be handled via a point of single contact within the meaning of the law on points of single contact for the state of Baden-Württemberg. §§ 71 a to 71 e of the LVwVfG apply.
- (10) State-recognized universities have the right to conduct the aptitude test pursuant to Section 58 Paragraph 2 Number 6 and the talent test pursuant to Section 58 Paragraph 2 Number 7 as part of their state recognition. Section 58 paragraph 3 sentences 1, 2, 4 and 5 applies accordingly; Regulations according to § 58 paragraph 3 sentence 2 require the approval of the Ministry of Science.

### **Section 71**

#### **Withdrawal, revocation and expiry of state recognition**

- (1) State recognition expires when the university
1. does not start studying within one year of the announcement of the notification of recognition,
  2. has not been operated for more than a year without the consent of the Ministry of Science or
  3. has finally stopped studying.

The deadlines in sentence 1 can be extended appropriately by the Ministry of Science.

(2) State recognition shall be revoked if the prerequisites for recognition no longer apply and this deficiency has not been remedied within the time limit despite a request. The state recognition is to be withdrawn if the requirements for the recognition were not met at the time of granting and this deficiency has not been remedied within the time limit despite a request. A withdrawal or revocation of recognition according to the provisions of the State Administrative Procedure Act remains unaffected.

(3) In the event that state recognition expires, is withdrawn or revoked, the institution is obliged to give students the opportunity to complete their studies.

(4) The Ministry of Science must be notified at least one year in advance of the intention to discontinue individual courses or the entire course of study, so that the proper completion of

the course for the students at this university can be ensured.

## **Section 72 Supervision**

(1) The Ministry of Science monitors compliance with the requirements of Section 70 Paragraphs 3 and 4 and Paragraph 8 Clause 3.

(2) The Ministry of Science must be notified in advance of the employment of full-time teachers who are to perform the tasks of university teachers. The Ministry of Science can prohibit employment if the requirements of Section 70 Paragraph 3 Sentence 1 Half Sentence 2 Number 2 and Sentence 2 Number 6 are not met or there are facts that justify dismissal or removal from professors at state universities be able. With the approval of the Ministry of Science, the state-recognized university awards the designation »Professor« or »Juniorprofessor« for the duration of the employment. These designations can be continued as an academic honor after leaving the teaching staff if the professors have worked successfully at the university for at least six years; for the rest, § 49 paragraph 6 sentence 2 applies accordingly. The obligation to notify according to sentence 1 and the right of consent according to sentence 3 do not apply if the state-recognized university has been institutionally accredited by the Science Council.

(3) The provider and the heads of the state-recognized universities are obliged to provide the Ministry of Science with information and to make all documents available that are necessary for the implementation of the supervision. Inspections and visits to the courses by representatives of the Ministry of Science are carried out in consultation with the state-recognized university. Section 68 applies accordingly.

(4) At the request of the Ministry of Science, the services provided in fulfilling the tasks according to § 2 are to be evaluated in accordance with § 5 at the expense of the responsible body.

## **Section 72a Other facilities**

(1) Branches of state or state-recognized universities from member states of the European Union are considered state-recognized if they offer their education recognized in their country of origin in Baden-Württemberg, award their degrees recognized in their country of origin, and do this activity in accordance with the legal regulations of their country of origin and quality assurance is guaranteed by the university in the country of origin. The Ministry of Science must be notified of the establishment of the branch and the expansion of its range of courses at least six months before the start of the course. The state recognition by the country of origin and the scope of this recognition must be proven with the notification.

(2) Institutions that are not branches pursuant to paragraph 1 must notify the Ministry of Science of their activities six months prior to commencement if, on the basis of cooperation with universities pursuant to paragraph 1, they carry out training in preparation for a university examination or for the awarding of a degree by a university want to prepare according to paragraph 1 by conducting examinations. This activity is permissible if

1. only applicants are accepted who meet the requirements for admission to a corresponding state university in Baden-Württemberg or in the country of origin of the university that awards the university degree,
2. the range of courses offered by the institution providing the training, insofar as this leads to a bachelor's or master's degree, is accredited as part of an accreditation in accordance with Article 3 of the Interstate Study Accreditation Treaty or with the cooperation of an agency approved by the Accreditation Council, with appropriate application of the criteria from Article 2 of the Interstate Study Accreditation Treaty and the statutory ordinances Article 4 paragraphs 1 and 2 of the Interstate Study Accreditation Treaty is certified,
3. the control of the higher education institution awarding the higher education degree over the course of the course and the provision of the necessary study and examination results

is ensured and

4. this activity is in accordance with the legal regulations of the country of origin or the country of origin of the university awarding the university degree, in particular the study program is recognized in the country or country of origin and leads to a recognized degree there.

With the notification, proof must be provided to the Ministry of Science that the requirements according to sentence 2 are met. Sentences 1 to 3 apply accordingly to extensions or significant changes to the range of courses after the start of operations. Section 37 paragraph 1 applies with the proviso that, in addition to the foreign university awarding the degree, the institution at which the training was carried out must also be specified.

(3) Foreign universities from countries outside the European Union may be permitted to operate branches upon application if

1. they are state universities or if they are state-recognized in the country of origin,
2. they offer their training recognized in their country of origin,
3. they confer their degrees recognized in their country of origin,
4. this activity is in accordance with the legal regulations of the country of origin,
5. it is ensured that only applicants who meet the requirements for admission to a corresponding state university in Baden-Württemberg or in the country of origin of the university awarding the university degree are accepted,
6. the range of courses offered by the branch providing the training, insofar as this leads to a bachelor's or master's degree, is certified with the cooperation of an agency approved by the Accreditation Council, with appropriate application of the criteria from Article 2 of the Interstate Study Accreditation Treaty and the statutory ordinances pursuant to Article 4 paragraphs 1 and 2 of the Interstate Study Accreditation Treaty and
7. quality assurance is ensured by the university in the country of origin.

Evidence of the requirements according to numbers 1 to 7 must be submitted to the Ministry of Science with the application for approval and with each expansion of the range of courses.

Permission can be granted for a limited period and subject to conditions that serve to meet the requirements under sentence 1. The permit must be revoked if the conditions for the permit no longer apply and this defect has not been remedied in a timely manner despite a request.

Permission is to be withdrawn if the prerequisites for the permission were not met at the time it was granted and this defect has not been remedied within the time limit despite a request. If there is no state recognition of the country of origin, Section 70 applies. Conducting training in preparation for a university examination or holding examinations in preparation for the award of a degree by a university pursuant to sentence 1 on the basis of cooperation between universities pursuant to sentence 1 and domestic institutions that are not branches pursuant to sentence 1 is not permitted. When the withdrawal of a state from the European Union takes effect and is consequently after the end of any transition period in accordance with an agreement under Article 50(2) of the Treaty on European Union (consolidated version), Official Journal of the European Union No. C 326 of 26 October 2012, p. 13, 43, a previously permissible activity according to paragraph 2 according to sentence 7 is no longer permitted, the institution pursuant to sentence 7 will no longer accept applicants for training or for exams from the time the withdrawal takes effect or the end of the transition period in the cooperation programs concerned. The institution pursuant to sentence 7 is obliged to give those persons who it accepted before the withdrawal took effect or the end of any transitional period the opportunity to complete the contract. Deviating from sentence 7, this activity is considered permitted, which it had taken on before the exit took effect or the end of any transition period,

the opportunity to conclude them. Deviating from sentence 7, this activity is considered permitted. which it had taken on before the exit took effect or the end of any transition period, the opportunity to conclude them. Deviating from sentence 7, this activity is considered permitted.

(4) Providers of branches according to paragraphs 1 and 3 and of educational institutions according to paragraph 2 are not entitled to state financial aid. Students at a branch according to paragraphs 1 and 3 and students at an educational institution according to paragraph 2 have no claim against the state of Baden-Württemberg to have their studies completed.

(5) Branches pursuant to paragraphs 1 and 3 are obliged to state their country of origin in addition to their name and legal form in business transactions. Educational institutions according to paragraph 2 and branches according to paragraph 3 are obliged to inform people who take part in their educational offer about the type, scope and scope of their training.

(6) The sponsors and the managers of the branches according to paragraphs 1 and 3 and of the educational institutions according to paragraph 2 are obliged to inform the Ministry of Science about their affairs if it so requests. The Ministry of Science must be notified immediately if state recognition is no longer granted by the country of origin or if there are changes to the scope of state recognition.

(7) The Ministry of Science may prohibit the operation of a branch in accordance with paragraphs 1 and 3 or the implementation of training and the holding of examinations by an institution in accordance with paragraph 2 if this training is carried out in preparation for a university examination, conducts university examinations or awards academic degrees , although

1. the requirements of paragraph 1 sentence 1, sentence 4 in conjunction with sentence 1 or paragraph 2 sentence 2 are not met,
2. contrary to paragraph 1 sentence 2, sentence 4 in conjunction with sentence 2 or paragraph 2 sentence 1, the start of operations or the expansion of the range of courses offered by the branch was not reported in good time and the required evidence was not submitted,
3. the permit according to paragraph 3 does not exist,
4. the sponsors and managers of the branches pursuant to paragraphs 1 and 3 or of the facilities pursuant to paragraph 2 do not comply with their obligation to provide information pursuant to paragraph 6 sentence 1 at the request of the Ministry of Science or
5. the loss of state recognition by the country of origin or by the country of origin or changes in the scope of state recognition was not reported in good time, contrary to paragraph 6 sentence 2.

Instead of a prohibition according to sentence 1, the continuation of the operation of a branch according to paragraphs 1 and 3 or the implementation of training or the holding of examinations by facilities according to paragraph 2 can be permitted subject to conditions or conditions if this makes it impossible to achieve the purpose of paragraphs 1 to 3 is sufficiently guaranteed.

(8) Objections or legal action against decisions according to paragraphs 3 and 7 have no suspensive effect.

**PART 10**  
**Final Provisions**  
**Section 73**  
**Preparatory College**

(1) The preparatory college has the task of teaching people with a foreign university entrance qualification the additional requirements, including the necessary language skills, that are required for successful studies at a university.

(2) The Studienkolleg is assigned to a university. The universities regulate the organizational matters of the preparatory college as well as the teaching content, examination requirements and examination procedures through statutes, which require the approval of the rector.

#### **Section 74 Ecclesiastical Rights**

(1) The contracts with the churches and the participation of the churches in examinations in the courses of study in church music are not affected by this law.

(2) Study, examination, doctorate and habilitation regulations in Protestant or Catholic theology require the approval of the responsible church leadership from the point of view of church office and church teaching. The University of Church Music (Institutum Superius Musicae Sacrae) of the Diocese of Rottenburg-Stuttgart, based in Rottenburg am Neckar, the University of Church Music of the Evangelical Church in Baden, based in Heidelberg, and the University of Church Music of the Evangelical Church in Württemberg, based in Tübingen approved by the State.

#### **Section 75 Protection of names; administrative offences**

(1) The designation "university", "university of education", "college of art", "college of music", "college of applied sciences", "college of applied sciences", "college of cooperative education" or "academy of study" alone as well as its foreign language translation may only be used by the state universities listed in § 1, colleges of education, art colleges, music colleges, universities of applied sciences, technical colleges, the dual university and a study academy according to § 27 a. In addition, the designation "university", "dual university", "University of Applied Sciences" or "Fachhochschule" alone or in a combination of words or a similar designation as well as a corresponding foreign-language translation may only be used by state-recognized universities or church universities within the meaning of Article 9 of the constitution of the state of Baden-Württemberg. Independent, state-recognized universities that have been granted the right to award doctorates have the right to use the designation »university«. The designation »university«, »university of education«, »college of art«, »college of music«, »college of applied sciences«, »college of applied sciences«, »college of applied sciences« or »academy of study« may continue to be used by such foreign educational institutions which after the law of the country of origin as a university, Universities of teacher education, colleges of art, colleges of music, colleges of applied sciences, universities of applied sciences, dual colleges or academies, including their courses, are recognised. Other non-state educational institutions are not allowed to use a German or a foreign language designation for university, teacher training college, art college, music college, university of applied sciences, technical college, dual university or study academy or a designation that can be confused with these designations. Furthermore, a designation referring to a university, teacher training college, art college, music college, college of applied sciences, technical college, dual college or study academy may only be used with the consent of the university concerned,

(2) Acting in an administrative offense who

1. Contrary to paragraph 1, uses designations that are not permitted for educational institutions or a designation that refers to a university or academy,
2. contrary to Section 70 establishes or operates a domestic non-state university or study academy,
3. contrary to § 70, conducts another course or courses and conducts university examinations,
4. contrary to Article 36, confers German or foreign-language degrees or degrees that are confusingly similar, or offers to mediate the acquisition of a degree for a fee,

5. runs the branch of a university within the meaning of Section 72a paragraph 1 or 3 or expands the range of courses offered by the branch of a university within the meaning of Section 72a paragraph 1 or 3 without this pursuant to Section 72a paragraph 1 sentence 2 or sentence 4 in conjunction with sentence 1 in good time or without permission pursuant to Section 72a subsection 3 sentence 1 or recognition pursuant to Section 70,
6. it fails to immediately notify the Ministry of Science of the cessation of state recognition or changes in the scope of state recognition pursuant to Section 72a (6) sentence 2,
7. offers training in preparation for a university examination due to a cooperation with a state or state-recognized foreign university or a state or state-recognized university from another country in the Federal Republic of Germany or for the award of a degree by a university within the meaning of § 72 a paragraph 1 and 3 prepared by conducting examinations, although the requirements of Section 72a Paragraph 2 Sentence 2 are not met or the activity according to Section 72a Paragraph 2 was not reported,
- 8th. contrary to § 72 a paragraph 3 sentence 7, due to cooperation with foreign universities from countries outside the European Union, offers training in preparation for a university examination and prepares for the award of a degree by such a university by conducting examinations or
9. does not comply with the obligations according to § 72 a paragraph 6 sentence 1 despite being requested to do so by the Ministry of Science.

(3) The administrative offense can be punished with a fine of up to 100,000 euros.

(4) The administrative authority within the meaning of Section 36 Paragraph 1 Number 1 of the Act on Administrative Offenses is the Ministry of Science.

#### **§ 76 further development clause**

(1) In order to test new and further developed university structures, in particular in the organizational and management structures, to improve the ability to make decisions, to accelerate decision-making processes, to increase profitability, to develop a profile or to adapt to legitimate specific requirements of the respective university, the requires the agreement of the University Council and the approval of the Ministry of Science, deviations from the provisions of Sections 15 to 28 may be permitted for a period of up to five years. At the request of the university, the trial phase can be extended by a further five years after it has expired for the first time. Salary regulations remain unaffected.

(2) The Ministry of Science can grant the right to confer doctorates for a limited period of time and thematically limited to an association of universities of applied sciences, whose purpose is the training of young scientists and the further development of applied sciences, according to evaluation- and quality-based criteria. The Ministry of Science regulates the details by ordinance, which requires the agreement of the Science Committee of the State Parliament.

(3) Universities funded within the framework of the federal and state excellence initiative for the promotion of science and research at German universities or within the framework of the administrative agreement between the federal government and the federal states pursuant to Article 91b paragraph 1 of the Basic Law for the promotion of top-level research at universities (excellence strategy). by statute, which requires the agreement of the University Council and the approval of the Ministry of Science, may deviate from their reporting obligations imposed by this law and from the provisions of this law on structural and development planning for a period of up to five years. Paragraph 1 sentences 2 and 3 applies accordingly.

(4) In agreement with the Ministry of Science, the Ministry of Finance can, at the request of a university, transfer the building owner status to the university in suitable cases for individual construction projects. In this case, responsibility for the project and budget is transferred to the Ministry of Science.

© juris GmbH