TU Dresden

On the basis of § 59 para. 3 and § 60 para. 5 of the Act on the Autonomy of Institutions of Higher Education in the Free State of Saxony (Saxon Freedom of Higher Education Act, hereinafter referred to as SächsHSFG) of January 15, 2013 (Saxon Government Gazette – hereinafter referred to as SächsGVBl. 2013, p. 3), last amended by Article 11 of the Act of April 29, 2015 (SächsGVBl. p. 349), the University Executive Board of TU Dresden adopted the following Appointment Regulations (BO TUD) on October 11, 2016:

Preamble

Decisions on appointments represent one of the key internal university control measures for ensuring the quality of research and teaching and for building the profile of TU Dresden. The goal of TU Dresden is to ensure excellence in teaching and research with an international pool of professors, consisting of women and men on equal footing. TU Dresden is committed to the equal treatment of all applicants, including applicants with disabilities.

§ 1

Scope

On the basis of the Act on the Autonomy of Institutions of Higher Education in the Free State of Saxony, these regulations govern the procedure for filling positions for higher education lecturers at TU Dresden. § 105 of the SächsHSFG and the regulations concerning the granting of recruitment premiums as well as research and teaching allowances at TU Dresden of July 31, 2008, published in TUD’s Official Announcements No. 06/2008 of August 7, 2008, shall remain unaffected.
§ 2
The process of filling a chair and the role description

(1) The Faculty Board is entitled to submit a proposal to the University Executive Board to fill chairs. In addition, the Faculty Board shall be heard prior to the decision pursuant to paras. 4 to 6.

(2) The proposal shall be submitted no later than two years and three months before the position becomes vacant due to the retirement of a professor, otherwise when the vacancy becomes known.

(3) In addition to a draft of the call for applications, the proposal shall include statements on:
   1. the placement of the chair within the development plans of the Faculty and of TU Dresden,
   2. the significance of the chair for teaching and research, including its importance for the respective School,
   3. the significance of the chair in Saxony as well as nationally and internationally,
   4. how the role description is distinguished from other chairs in the Faculty, especially those to be filled in the future, as well as possible inter-Faculty collaborations,
   5. intended resource commitments within the Faculty,
   6. the role description.

(4) The University Executive Board shall decide, taking into account the development plan of TU Dresden, whether a vacancy shall no longer be filled or to which Faculty it shall be assigned. It shall determine the role description, including the scope of duties in teaching and research, in consultation with the Faculty Board. Where a position with a comprehensive range of duties is to be filled at a (primarily) third-party-financed Central Academic Unit without the authority to grant appointments, the opinion of the unit shall be considered in the decision.

(5) In the event that the University Executive Board does not wish to follow the Faculty Board's proposal for the assigned unit or the role description, it shall hear the Faculty Board again before making the final decision, and/or shall consult with it on the role description.

(6) The University Executive Board shall make a decision to once again fill or reassign a position no later than two years before the position becomes vacant due to the retirement of a professor.

§ 3
Call for applications

(1) The University Executive Board prompts the Faculty to update the draft of the call for applications at least 18 months before a position is due to become vacant due to retirement. If it has not yet been written, the Faculty is prompted to draft the call for
applications as soon as possible. The text is to be written in German and in English. Any exceptions to this rule must be justified.

(2) Chairs shall be advertised publicly and as a rule internationally by the University Executive Board at the earliest possible date – in the case of a vacancy due to the retirement of a professor, at least twelve months in advance. Exceptions to the obligation to advertise may exist in accordance with §§ 59 para. 2 sentence 2, 61 SächsHSFG, § 27 of the Fundamental Principles of TU Dresden of September 24, 2015, published in the Official Announcements of TUD No. 11/2016 of July 21, 2016 (GO TUD) as well as § 19 para. 3 of these regulations.

(3) The text of the call for applications must contain the following information:
1. the assignment of the chair to a Faculty,
2. the scope of duties, in particular the teaching and research tasks to be performed,
3. the appointment requirements to be met by the applicants in accordance with the SächsHSFG,
4. the appointment requirements that are specific to the subject and position and that correspond to the role description,
5. the intended rank,
6. the point in time at which the position is to be filled,
7. in the case of positions with a tenure option after an initial fixed term (known as tenure-track professorships), fixed-term professorships, professorships with non-civil-service employment contracts or probationary appointments, reference must be made to these special circumstances.

(4) Appointment requirements specific to a subject or position may include experience in certain subject areas, experience in patient care, experience in international teaching and research, aptitude and willingness for interdisciplinary cooperation as well as for teaching in English, experience in obtaining research funding, experience in science management, special personnel management skills, experience in study reform, special qualifications in higher education didactics, or a proven special commitment to teaching.

(5) The text of the call for applications shall be drafted in such a way that both women and men as well as persons with disabilities are addressed and individuals from abroad are encouraged to apply for the position.

(6) The University Executive Board shall approve the publication of the call for applications after receiving written approval from the Faculty's Equal Opportunities Officer. The approval shall include an evaluation of the call's appeal to (junior) female researchers as well as its gender-appropriate wording.
§ 4

Active recruitment

(1) Faculties shall start searching for qualified researchers immediately after the decision of the University Executive Board to declare the opening of the position and before the call for applications to the chair is announced. They shall be supported in this by those responsible for active recruitment.

(2) The appointment commission shall invite suitable, internationally recognized researchers to apply. Within the budgetary means available, it may also arrange for the necessary steps to search for suitable persons in Germany and abroad.

(3) One particular goal of active recruitment is to attract female professors in fields in which female scientists are underrepresented. Underrepresentation is to be assumed if the proportion of female professors in the Faculty is below the national average proportion of women in the discipline who have completed their habilitation. The national average is to be determined on the basis of statistical data from the last five years. Suitable female and male researchers with disabilities can also be recruited through an active search process.

(4) If, by the end of the advertisement period, no female researcher has applied for a chair in a Faculty in which female professors are underrepresented, the appointment commission must initiate and document measures for the active recruitment of female researchers.

§ 5

Appointment Officers

(1) The University Executive Board shall appoint at least one Appointment Officer, who reports to the Rector. The Appointment Officers shall participate in the appointment procedures without voting rights. They regularly report to the Rector on the current status of the appointment procedures and prepare their decisions pertaining to the appointment procedure. They advise the faculties on the relevant legal requirements.

(2) The Appointment Officers support the Rector in his or her central responsibility for the entire appointment procedure. In particular, the Appointment Officers ensure that the plans for the strategic development of the university, including the Faculty development plan as well as the criteria specified in the allocation and in the call for applications, are taken into account in the appointment commission's decision-making.

(3) The Appointment Officers shall ensure that the competitive nature of the process is maintained, that the process is transparent, and that applicants are informed of the status of the process in a timely manner.
(4) The Appointment Officers are entitled to participate in the meetings of the appointment commissions in an advisory capacity; they are to be invited and kept informed in the same way as voting members. They may inspect all documents relating to the proceedings.

(5) The Appointment Officers shall receive administrative support from the Central University Administration.

§ 6
Composition of the appointment commission

(1) As a rule, the appointment commission consists of five higher education lecturers, two academic staff members, two students – all with voting rights – and one staff member from administration and technical services in an advisory capacity. In justified cases, an exception can be made to increase the number of members. The group of higher education lecturers must have a majority of one seat.

(2) Junior professors may only be appointed as members of the appointment commission, specifically in the group of higher education lecturers, if the right to participate in appointment commissions was granted to them along with their appointment as extraordinary professor.

(3) The appointment commission must include at least one external member, as a rule a professor from an academic subject area relevant to the appointment. One of the higher education lecturers shall be a member of another Faculty of TU Dresden.

(4) If a chair is assigned the performance of duties at a Central Academic Unit without the authority to grant appointments, at least one member of the Central Academic Unit from the group of higher education lecturers shall be a member of the appointment commission.

(5) If a chair is largely assigned the performance of duties at a Central Academic Unit that is predominantly externally financed and does not have the authority to grant appointments, at least three members, two of whom shall be higher education lecturers, shall be appointed to the appointment commission on the proposal of the Central Academic Unit.

(6) As a rule, the appointment commission should include a minimum of three women (at least one of whom should be a professor) and in warranted exceptional cases, a minimum of one woman. If a woman's workload is higher than average due to this quota requirement, this load shall be appropriately lightened by the Faculty.

(7) If a member leaves the appointment commission, up to two replacement members may be designated for the group of higher education lecturers, and one replacement member each for the groups of academic staff and students. It is not possible for members of the commission to be represented by a substitute.
(8) Guests may attend the meetings of the appointment commissions if this is required for professional reasons, in particular when filling a chair that is also associated with a position as director of a clinic.

(9) The Faculty’s Equal Opportunities Officer and a Representative of Employees with Disabilities are entitled to participate in the meetings of the appointment commission in an advisory capacity. They are to be invited and kept informed in the same way as the commission members. The Faculty’s Equal Opportunities Officer is entitled to make proposals.

(10) For minute-taking, the appointment commission may call in another member of the university who has been briefed beforehand on the strictly confidential nature of the proceedings.

§ 7
Establishing the appointment commission and naming the chairperson

(1) The Faculty Board shall select the appointment commission, including the replacement members, after consultation with the University Executive Board. If a chair is assigned duties at a Central Academic Unit without authority to grant appointments, the University Executive Board shall hear the Central Academic Unit before giving its opinion. The Faculty Board shall also decide on the admittance of guests to the meetings of the appointment commission after hearing the University Executive Board.

(2) The Rector shall appoint the chairperson in agreement with the Faculty Board. If agreement is not reached within a period of one month after the application deadline, the Rector shall choose the chairperson.

§ 8
Meetings of the appointment commission

(1) In general, the appointment commission shall convene for the first time no later than six weeks after the application deadline.

(2) In rare cases, a member of the commission may be connected via videoconference for the purpose of discussion and voting, provided that data is transmitted via the service of the Deutsches Forschungsnetz (DFN) and provided that the participation of the person connected is not influenced by any third party. The person connected via videoconference is not permitted to vote on the appointment proposal.
(3) The appointment commission meetings shall not be open to the public. The participants shall be sworn to secrecy in writing by the chairperson.

(4) Application documents and meeting minutes must be treated confidentially. Guests of the appointment commission are not permitted to inspect applicant documents.


§ 9
Selection process

(1) The appointment commission shall determine a binding list of criteria for the selection process on the basis of the legal requirements and the text of the call for applications for the chair position.

(2) In addition, the appointment commission shall determine a multi-stage selection process and a timetable. The selection process includes an interview and a public lecture. Additional formats, such as public classroom sessions, are possible. Applicants must be informed of the sequence of events.

(3) For applicants who are to be included in the appointment proposal, at least two comparative expert opinions must be obtained; in warranted exceptional cases, at least three individual opinions must be obtained for each selected applicant. If there is at least one woman among the candidates to be evaluated, at least one of the comparative opinions or at least one of the individual opinions should be written by a female professor, if possible. The reviewers are appointed by the appointment commission. The guidelines regarding bias are to be observed.

(4) If the selection process includes public lectures by applicants, the reviewers may be invited to attend and participate in the public lectures and the corresponding meeting of the appointment commission; their expert opinions shall be documented in the minutes (fast-track procedure).

(5) The reviewers must assess the qualifications of the selected applicants on the basis of the appointment requirements according to the SächsHSFG and the qualification profile from the call for applications.

(6) Parallel to the selection process or before the appointment is made, the Rector may, with the aim of filling the position quickly, hold a preliminary interview to ascertain the applicants’ ideas about the desired facilities, resources and staffing arrangements. The preliminary interview is routinely conducted in the presence of the Chancellor and the Dean.
In the case of chairs with extensive responsibilities at predominantly externally financed Central Academic Units without the authority to grant appointments, a representative of the institution's management is entitled to attend. The results of the preliminary discussions must be documented.

§ 10
The appointment proposal

(1) The appointment commission shall prepare a substantiated appointment proposal on the basis of the expert opinions within nine months after the application deadline. The appointment proposal shall contain three names and a ranking of the proposed candidates.

(2) The substantiation of the appointment proposal shall contain a comparative appraisal of the candidates' teaching and research or artistic achievements as well as their teaching evaluations. The substantiation shall outline the selection process established in accordance with § 9 para. 2 and shall be based on the catalog of criteria in accordance with § 9 para. 1.

(3) A blocking note in the appointment proposal, allowing the appointment commission to make a new decision after the first-place candidate's rejection and before an appointment is offered to the second-place candidate, must be specifically substantiated. Such a note is only permissible in order to assess the interim development of the lower-ranked candidates in the context of the call for applications. The decision of the appointment commission to remove the note shall be submitted to the Rector for review in accordance with § 11, para. 2, and shall be adopted by the Faculty Board in accordance with § 12, para. 1.

(4) The appointment proposal shall be accompanied by a written statement from the Faculty's Equal Opportunities Officer. If no female applicant was considered in the appointment proposal, the efforts of the commission to recruit female scientists and the reasons for their omission shall be presented.

(5) The substantiated appointment proposal shall be submitted to the Rector. If the deadline is not met, the Rector shall decide whether to discontinue the appointment procedure altogether.

§ 11
Decision on the continuation of the appointment procedure

(1) On behalf of the Rector, the Appointment Officers shall review:
   1. whether the appointment proposal is adequately substantiated with regard to the role description and the development plans of TU Dresden and the Faculty,
   2. whether the selection and ranking of the nominees are substantiated,
3. whether legal regulations were observed in the preparation of the appointment proposal, including the Appointment Regulations, and
4. whether the equal opportunity goals of TU Dresden have been taken into account.

(2) The Rector decides whether to continue the appointment procedure. If the appointment proposal meets the quality requirements according to para. 1, the appointment proposal is forwarded to the Faculty Board. If the appointment proposal does not meet the quality requirements according to para. 1, the Rector may refer the appointment proposal back to the appointment commission for improvement, and if necessary for renewed discussion and deliberation, or terminate the procedure altogether.

§ 12
Decision on the appointment proposal and appointment negotiations

(1) The Faculty Board shall decide on the appointment proposal and forward its decision to the Rector.

(2) The Rector shall decide on the appointment without being bound by the decision of the Faculty Board. Prior to the decision on the appointment to a chair involved in the care of patients at the University Hospital, the consent of Carl Gustav Carus University Hospital's Board of Management shall be obtained. Consent shall be granted if there are no reasonable doubts as to the suitability of the proposed candidate for the tasks to be performed at Carl Gustav Carus University Hospital. Prior to a decision on appointments to chairs that are largely assigned tasks at a predominantly externally financed Central Academic Unit without the authority to grant appointments, the opinion of the management of the Central Academic Unit on the appointment proposal shall be obtained.

(3) If the Rector grants the appointment to one of the nominees proposed in the appointment proposal, the Rector shall, if the preliminary discussion pursuant to § 9 para. 6 has not taken place or has not yet been concluded, enter into appointment negotiations. § 9 para. 6 sentences 2 to 4 shall apply accordingly. The Rector may set a deadline for the acceptance of the appointment.

(4) If the Rector intends to deviate from the decision of the Faculty Board, they shall discuss this with the Dean before making the final decision.

(5) If the Rector does not appoint any of the nominees or if the nominees reject an appointment, the Rector may request that the appointment commission submit a new appointment proposal or may terminate the appointment procedure in consultation with the Senate.

(6) The appointment commission shall submit the renewed appointment proposal pursuant to para. 5 to the Rector in accordance with § 10 para. 5 sentence 1.
§ 13
Hiring or appointing junior professors

(1) The Faculty’s proposal for filling a junior professorship shall be submitted 18 months prior to the new occupancy, otherwise upon announcement of the vacancy.

(2) In all other respects, §§ 2 to 12 shall apply accordingly. It is possible to dispense with appointment negotiations.

§ 14
Exceptional appointment procedures

(1) The following special regulations apply to exceptional appointment procedures according to § 26 GO TUD. In all other respects, the stipulations of these regulations shall apply accordingly.

(2) In deviation from § 2, faculties and departments may submit proposals to the University Executive Board for the purpose of establishing cross-Faculty chairs in accordance with § 4 para. 1 GO TUD.

(3) In deviation from § 3 paras. 1 to 3, the call for applications shall contain the following information:
   1. the scope of the subject matter of the chair,
   2. the professional requirements and objectives associated with the call for applications for the exceptional chair, as well as the position-specific expectations,
   3. the intended rank
   4. the date the chair is to be filled,
   5. the applicants’ necessary qualifications for appointment according to the SächsHSFG,
   6. the special focus on attracting female researchers,
   7. in the case of fixed-term positions, the fixed-term duration and, if envisaged, the option of continuation as a permanent chair after successful evaluation, stating the essential evaluation criteria.

(4) In deviation from § 6 para. 1, para. 3 to 6, the selection commission shall be composed of equal numbers of
   1. exceptionally qualified higher education lecturers and early-career researchers from TU Dresden and
   2. external, internationally renowned researchers, preferably from the institutions of the DRESDEN-concept e. V. partners, two students as well as the Rector. The group of higher education lecturers shall have a majority of at least one seat. In the case of chairs that are thematically unrestricted, members from each School of TU Dresden must be represented.
on the commission; in the case of chairs that are largely but not completely thematically unrestricted, the scope of the subject matter on the call for applications should be taken into account when appointing the selection commission. The selection commission shall consist of at least seven members.

(5) In deviation from § 9 para. 3, the selection commission shall prepare an appointment proposal for temporary positions or positions with the option to become permanent on the basis of three opinions from internationally renowned experts in their fields. § 26 para. 7 GO TUD applies to the appointment of permanent chairs.

(6) The University Executive Board examines whether the appointment proposal can fulfill the special requirements and objectives of the call for applications. It may consult further experts for assistance in reaching a decision.

(7) The tasks of the Faculty’s Equal Opportunities Officer are performed by the Central Equal Opportunities Officer of TU Dresden.

(8) The special consideration of qualified female researchers is to be taken into account.

(9) The evaluation of fixed-term positions with the option to become a permanent chair is to be laid out in a separate regulation document.

§ 15
Shortened appointment procedures

(1) The following special provisions shall apply to shortened appointments pursuant to § 27 GO TUD, which involve an appointment to a chair/professorship without a new call for applications.

(2) When filling chairs/professorships pursuant to § 27 para. 1 a) GO TUD, the allocation regulations of the university-wide funding program shall be appropriately taken into account.

(3) If a chair/professorship is to be filled by a junior research group leader after a successfully completed funding program according to § 27 para. 1 b) GO TUD, the position of the junior research group leader is to be advertised publicly and, as a rule, internationally; in addition to the information according to § 3 para. 3, the criteria for the appointment to the subsequent chair/professorship as well as the appointment date are to be stated in the call for applications. The funding program to be prepared by the Faculty shall be subject to the approval of the University Executive Board and shall be published. The appointment can be made after a positive evaluation; details are to be specified in a separate regulation document.

(4) If the appointment to a chair/professorship of higher rank is intended after successful completion of an appointment and career concept according to § 27 para. 2 a) GO TUD, the appointment date and the criteria for the appointment to the chair/professorship of higher
rank shall be stated in the call for applications to fill the initial position. Para. 3 sentence 2 and sentence 3 apply accordingly.  

(5) If, in order to ward off an offer of appointment to a chair of higher rank at another university, an appointment to a chair pursuant to § 27 para. 2 no. 2 b) GO TUD is envisaged, the offer of appointment must be submitted in writing. The University Executive Board shall decide on the appointment of the individual proposed by the Faculty; the proposal must be accompanied by a vote of the Faculty Board, assessing the nominee’s achievements in teaching, research, knowledge transfer, and committee work as well as the significance of retaining this individual for the development of the Faculty, the School, or TU Dresden. 

(6) When filling a chair without a call for applications according to § 26 para. 4 GO TUD, the Faculty’s proposal must contain the following information:  
1. the special qualifications of the selected individual by international standards, as evidenced by excellent research performance and achievements, significantly above-average academic teaching performance and achievements, and outstanding commitment to academic self-administration,  
2. the expected impact on strengthening the profile of the Faculty and the university on the basis of the research priority areas and the university development plan, as well as on enhancing the quality of teaching and research or strengthening cooperation with non-university research institutions,  
3. the integration of the chair into the research structure of the Faculty and the School as well as the synergy with non-university research institutions. 
§ 12 (2) shall be applied accordingly.  

§ 16  
Fixed-term or part-time positions  

These regulations apply accordingly to appointments for fixed-term and part-time positions.  

§ 17  
Probationary appointment  

(1) With the exception of junior professors, first-time appointees may be employed on a probationary basis for a period of up to two years. The appointment shall be made on a 

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1 Currently not applicable as a result of the requirements of the SMWK for the approval of the Fundamental Principles (decision of May 27, 2016): standard to be applicable only after amendment of the legal basis, in particular the Act on the Autonomy of Institutions of Higher Education in the Free State of Saxony (SächsHSFG).

2 ibid.
salaried basis. Upon appointment, the Rector, the Dean, and the appointee shall agree upon objectives for the appointee's professional and personal development in teaching, research, and academic self-administration.

(2) No later than nine months prior to the conclusion of the term of employment, the probationary appointee shall be evaluated with regard to their probationary status. The probationary evaluation shall be conducted by a commission of at least five higher education lecturers appointed by the Faculty Board. The probationary appointee's progress since taking up employment shall be assessed on the basis of the agreed-upon objectives.

(3) The Dean shall submit to the Rector a proposal for the continuation or termination of the contract of employment no later than six months prior to the expiration of the contract. The recommendation shall be accompanied by the result of the appointed commission's assessment.

(4) The Rector shall decide on the continuation or termination of the employment contract, taking into account the recommendation of the Dean. The decision shall be communicated to the probationary appointee no later than four months before termination of the probationary employment.

§ 18
Endowed or externally funded chairs / professorships

(1) Endowed or externally funded chairs/professorships serve to supplement the teaching and research portfolio.

(2) The chairs/professorships shall be established on the basis of an agreement between TU Dresden and the foundation or sponsor. The agreement shall include the following points:
1. rank and role description,
2. goals and content,
3. stipulations regarding the legal employment structure,
4. duration of the endowment or funding as well as specifications for the possible continuation of the chair/professorship after it expires,
5. the volume of funding provided, its intended use and payment arrangements, and
6. supplementary regulations for the appointment procedure.

(3) The provisions of these appointment regulation guidelines are to be applied.
§ 19
Joint appointments

(1) Chairs may be filled in cooperation with a non-university research institution in order to promote and deepen cooperation in research and teaching.

(2) The appointment procedure shall be governed primarily by an agreement with the non-university research institution, which may contain deviating provisions on the procedure for inviting applications pursuant to § 3 paras. 1 and 2 and on the composition of the appointment commission pursuant to § 6 para. 1 sentence 1.

(3) If a joint appointment is intended without establishing a civil service or employment contract with the Free State of Saxony pursuant to § 62 para. 2 SächsHSFG (the “Thuringian model”), the following special features shall apply:
  1. in deviation from § 3 para. 1, a call for applications may be waived; in the case of a public call for applications, the special nature of the appointment model shall be pointed out in addition to the requirements of § 3 para. 3;
  2. contrary to § 6 para. 1 sentence 1, the appointment commission shall have, as a general rule, three members from the group of higher education lecturers and one member each from the group of academic staff and from the group of students;
  3. the selection procedure pursuant to § 9 para. 2 may be shortened by a reasonable amount; two external expert opinions shall be obtained;
  4. the agreement pursuant to para. 2 shall specifically contain:
     a) the subject area for which the appointment is to be made, as well as the obligations of the appointee towards TU Dresden, especially with regard to teaching,
     b) regulations on disciplinary measures to be taken in the event of the appointee’s poor performance or failure to fulfill obligations towards TU Dresden.

4) In addition, the stipulations of this regulation document are to be applied accordingly. A member of the research institution involved in the appointment may also be called in to take the minutes in accordance with § 6 para. 10.

§ 20
Central Academic Units with authority to grant appointments

The regulations are to be applied accordingly to procedures in Central Academic Units of TU Dresden that have been entrusted with the authority to grant appointments. The rights and duties of the Faculty Board as well as of the Dean are exercised by comparable bodies of the Central Academic Unit.
§ 21
Appointments at the Faculty of Medicine “Carl Gustav Carus”

The Appointment Regulations shall apply to appointment procedures at the Faculty of Medicine “Carl Gustav Carus” insofar as specific provisions, in particular the Act on Leipzig University Hospital at the University of Leipzig and Carl Gustav Carus University Hospital at TU Dresden (Universitätsklinika-Gesetz) of May 6, 1999, published in the Saxon Government Gazette (SächsGVBl.) 1999, Bl.-No. 8, p. 207, do not take precedence.
§ 22
Date of publication and entry into force


Dresden, November 3, 2016

The Rector
of Technische Universität Dresden

Prof. Dr.-Ing. habil. DEng/Auckland Hans Müller-Steinhagen