

# Habilitation Statutes of the Technische Universität München

of 9 December 2003  
(as amended 13 December 2005)

Pursuant to Art. 6 (1) 1 Sentence 1 and Art. 91 (8) Sentence 1 of Bayerisches Hochschulgesetz (BayHSchG) [Bavarian Higher Education Act] the Technische Universität München issues the following Habilitation Statutes:

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## *Preliminary statement on linguistic usage*

*In accordance with Article 3 (2) of the German Constitution, women and men have equal rights. Any terms relating to persons and functions mentioned in the following regulations are equally valid for women and men.*

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## Preamble

<sup>1</sup>The promotion of highly qualified young scholars, together with supportive academic communities, are key concerns of the Technische Universität München. <sup>2</sup>And the Technische Universität has clearly expressed its support in these areas with the *Hochschulentwicklungsplan* [Higher Education Development Plan] 2000 of 15 March 2003. <sup>3</sup>The fostering of young scholars goes hand in hand with equipping them to stand on their own in fields that are very competitive on both the national and international scales. <sup>4</sup>Thus the Technische Universität München is modernizing the *Habilitation* process as one of several possible paths leading to the professoriate. <sup>5</sup>The driving force behind these statutes is the concept of giving all possible support to those young scholars who are striving to establish themselves in careers as educators at institutions of higher education.

## I. General Provisions

### § 1

#### Purpose of *Habilitation*

- (1) <sup>1</sup>The *Habilitation* serves as the formal assessment tool ascertaining whether or not a candidate is suitable, from an academic and a pedagogical point of view, to be a professor in a particular field at the university level (Lehrbefähigung) [teaching qualification]. <sup>2</sup>The purpose of the *Habilitation* process is to give particularly qualified young academics an opportunity to take on research and teaching tasks independently and, under the scholarly guidance of a *Fachmentorat* committee, to prepare them for an appointment as a professor, if possible within a period of four years. <sup>3</sup>The field in question must be one represented by a professor at the Technische Universität München.
- (2) <sup>1</sup>Based on the assessment of teaching capability, the Technische Universität München, pursuant to Art. 92 (1) of BayHSchG, upon the request of the person upon whom *Habilitation* has been conferred, issues them a teaching license [Lehrbefugnis] for the field in which the teaching qualifications have been demonstrated. <sup>2</sup>The award of the teaching license entitles the person to bear the title „*Privatdozent*“ or „*Privatdozentin*“.

### § 2

#### Administrative Responsibility

<sup>1</sup>Pursuant to the following provisions the Faculties shall be pro-active in conducting the *Habilitation* process. <sup>2</sup>The responsibility shall lie with the faculty representing the field for which the applicant seeks teaching qualification. <sup>3</sup>Prior to accepting the applicant as a *Habilitand*, the faculty must determine whether or not the university is able to provide the basic facilities from third-party funds [drittmittelfähige Grundausstattung] to the extent that this is necessary for the intended *Habilitation*

process.

### § 3

#### Participation Rights

<sup>1</sup>After acceptance of an applicant as a *Habilitand* pursuant to § 7, professors who do not belong to the *Fachbereichsrat* [Departmental Council] of the faculty also have a voting right in the *Habilitation* process pursuant to Art. 17 Section 1 No. 2 of BayHSchG in addition to the members of the Departmental Council. <sup>2</sup>Participation in the assessment of *Habilitation* performance is limited to those members of the Departmental Council who are university teachers pursuant to Art. 2 Section 3 Sentence 1 of Bayerisches Hochschullehrergesetz (BayHSchLG) [Bavarian Law on Teachers in Higher Education]. <sup>3</sup>The Departmental Council's quorum requirements are stipulated in Art. 48 Section 3 Sentences 1 and 2 of BayHSchG. <sup>4</sup>Art. 48 Section 6 Sentence 2 of BayHSchG shall be complied with.

### § 4

#### Preconditions for Acceptance

<sup>1</sup>The applicant may be accepted as a *Habilitand* when the necessary research and teaching requirements are available and the following preconditions are met:

- a) successful completion of academic studies at a domestic or foreign university or equivalent institution of higher education;
- b) doctoral degree awarded by a domestic university or an equivalent academic degree awarded by a domestic or foreign university;
- c) proof of additional academic qualification in the field for which the teaching qualification is to be assessed if the applicant's doctorate is in a different field;
- d) exceptional ability for scholarly research, which is as a rule proven by the outstanding quality of the doctoral thesis.

<sup>2</sup>The applicant must not have failed a *Habilitation* process either in the field in which the teaching qualification is to be assessed or in a related field. <sup>3</sup>Those applicants who have been awarded a doctorate either as outstanding graduates from a Fachhochschule [university of applied sciences] pursuant to the *Promotionsordnung* [Doctoral Statutes] of the Technische Universität München of 1 August 2001 in the version as amended from time to time, or as a result of an equivalent process at another domestic university shall also be deemed to have met the preconditions as set forth in lit. a.

## II. Acceptance Procedure

### § 5

#### Required Certification

<sup>1h</sup>The application for acceptance as a *Habilitand* shall be addressed to the Dean of the faculty in question. <sup>2</sup>The following documentation must be enclosed with the application:

- a) the required certifications pursuant to § 4 Sentence 1;
- b) a curriculum vitae that details, in particular, the applicant's educational experience;
- c) a detailed list of the courses taught and lectures given by the applicant as well as the applicant's research work;
- d) a complete list of the applicant's research publications;
- e) a recently issued official certificate of good conduct. <sup>3</sup>International applicants must submit an equivalent document. <sup>4</sup>For members of the Technische Universität München the certificate of good conduct may be waived.

### § 6

#### Formal Examination of Application

<sup>1</sup>The Dean will examine the application for compliance with the criteria stipulated in §§ 4 and 5. <sup>2</sup>If the application meets those requirements, the Dean will submit it to the Departmental Council without delay. <sup>3</sup>If not, the Dean will set a time limit for the applicant to amend the application accordingly. <sup>4</sup>If the application is not amended within this time limit, the Dean will reject the application as inadmissible, stating the grounds therefor.

### § 7

#### Acceptance as a *Habilitand*

- (1) The Departmental Council, acting on a proposal of the Dean, will decide upon the acceptance as a *Habilitand*.
- (2) Acceptance as a *Habilitand* shall be denied, if
  - a) the applicant does not comply with the requirements pursuant to § 4 Sentence 1 lit. a through d;
  - b) the applicant's academic degree was revoked, or if circumstances exist which justify the revocation of the academic degree;

- c) the basic facilities through third-party funds pursuant to § 2 Sentence 3, to the extent that they are necessary, cannot be provided.

### III. Conducting the *Habilitation* Process

#### § 8

##### *Fachmentorat*

- (1) <sup>1</sup>Upon acceptance of a candidate as a *Habilitand*, the Departmental Council will appoint a *Fachmentorat* for the assessment of the written *Habilitation* thesis and the continuous evaluation of the *Habilitation* project (*Habilitation* Process). <sup>2</sup>The *Fachmentorat* committee consists of a chairperson and two further members. <sup>3</sup>The members of the committee must be educators at institutions of higher education pursuant to Art. 2 (3) of BayHSchLG. <sup>4</sup>At least one member of the committee must be a Professor of the faculty in question pursuant to Art. 17 (1) No. 2. <sup>5</sup>In order to safeguard interdisciplinary issues, one member should belong to another faculty or university. <sup>6</sup>The *Habilitand* has a right to make proposals for the composition of this committee.
- (2) The *Fachmentorat* acts in the name and on behalf of the faculty.
- (3) <sup>1</sup>The *Fachmentorat* is intended to provide support and protection for the *Habilitand*. <sup>2</sup>It determines, through a performance targets agreement [*Zielvereinbarung*] entered into between the *Habilitand* and the faculty, the scope and extent of the activities in research and teaching necessary for a *Habilitation*. <sup>3</sup>It will support the *Habilitand* in the achievement of the performance targets, and in the provision of the basic facilities from third-party funds through the faculty to the extent that these are necessary for the intended project, and it will at the same time guide the progress of the qualification activities in research and teaching.

#### § 9

##### Scope of the *Habilitation*

- (1) <sup>1</sup>*Habilitand* status is as a rule limited to a term of four years plus the duration of the assessment procedure as defined in § 12. <sup>2</sup>In the event of special grounds, in particular maternity leave or an employment prohibition according to the regulations governing maternity protection of *Beamtinnen* as well as in the case of *Habilitanden* who are not members of the university, the *Fachmentorat* shall extend the duration.
- (2) The *Habilitation* process evaluates
1. pedagogical aptitude on the basis of both qualification due to scholarly competence and independently achieved performance in academic teaching, and
  2. the ability to do independent research as documented either by an *Habilitationsschrift* [*Habilitation* thesis] or by an adequate number of research publications at the same scholarly level as a *Habilitationsschrift*.
- (3) <sup>1</sup>The faculty, in agreement with the *Fachmentorat*, confers upon a *Habilitand* who is a member of the university as *wissenschaftlicher Assistent* [scientific assistant] or *wissenschaftlicher*

*Mitarbeiter* [research/teaching associate] the right to assume research and teaching activities independently and in their own responsibility in the form of a teaching appointment. <sup>2</sup>For a *Habilitand* who is not a member of the university, the *Fachmentorat*, together with the department, will ensure that the *Habilitand* acquires qualifications in academic teaching and is provided sufficient teaching opportunities. <sup>3</sup>The *Habilitand* shall give lectures in his or her field amounting to an average of two weekly hours per semester. <sup>4</sup>The *Fachmentorat* will prepare a report about the teaching performance which must, in analogous application of Art. 39 a of BayHSchG, incorporate assessment by students. <sup>5</sup>Regular work duties [Dienstaufgaben] which result from the legal status pursuant to Sentence 1 shall remain unaffected and may be taken into consideration. <sup>6</sup>For the teaching performance report as well as the research evaluation the entire duration of the *Habilitation* process shall be decisive. <sup>7</sup>If the candidate had engaged in academic teaching activities prior to his/her acceptance as *Habilitand*, the Departmental Council, in agreement with the *Fachmentorat*, may assess the pedagogical aptitude on the basis of those teaching activities.

- (4) <sup>1</sup>The *Habilitand* must prepare a written *Habilitation* thesis pursuant to Subsection 2. <sup>2</sup>A dissertation or other examination paper cannot be used as *Habilitation* thesis. <sup>3</sup>The *Habilitationsschrift* must be in either the German or the English language. <sup>4</sup>The *Habilitanden* must present themselves and their research in a lecture open to the entire university.

## **§ 10 Intermediate Evaluation**

- (1) <sup>1</sup>After the first two years of the program, the *Fachmentorat* will conduct an intermediate evaluation. <sup>2</sup>The two-year term begins on the day after the performance targets agreement was entered into with the *Habilitand*. <sup>3</sup>This intermediate evaluation may also take place at an earlier date.
- (2) <sup>1</sup>The intermediate evaluation is conducted with the goal of giving a prognosis regarding the success of the *Habilitation* proceedings and, if necessary, amending the performance targets. <sup>2</sup>The criteria for the intermediate evaluation must be set forth in writing in the performance targets agreement. <sup>3</sup>The following criteria in particular shall serve as the basis for the decision:
- a) a lecture open to the entire university in which the *Habilitand* reports on the status of his/her work;
  - b) teaching performance, whose assessment shall include the results of the evaluation;
  - c) participation in a recognized university preparatory program for a scholarly qualification (for example, PROLEHRE of TUM);
  - d) publications and papers accepted for publication;
  - e) any other performance customary in the field in question.
- (3) If, on the basis of the intermediate evaluation, amendments of the original performance targets agreement are necessary, they shall be determined by mutual agreement of the *Fachmentorat* and the *Habilitand* and be confirmed by the Dean.
- (4) If the *Fachmentorat* finds that the performance criteria which were agreed upon for the intermediate evaluation have not been fulfilled and if it can be assumed that the targets agreed upon for the *Habilitation* will not be fulfilled, the Departmental Council may dissolve the *Fachmentorat* and may declare the *Habilitation* process as failed.
- (5) The Dean will inform the *Habilitand* about the result of the intermediate evaluation.

## § 11

### **Withdrawal of the *Habilitation* Application**

<sup>1</sup>After assessment of the result of the intermediate evaluation, the *Habilitation* application can be withdrawn only on serious grounds and with consent of the Departmental Council. <sup>2</sup>If the Departmental Council refuses its consent and if the applicant persists in his/her application, the *Habilitation* process shall be deemed failed.

## § 12

### **Final Assessment of the Continued *Habilitation* Process**

- (1) The *Habilitation* performance in research and teaching shall be weighted equally.
- (2) <sup>1</sup>The *Fachmentorat* will examine whether or not the *Habilitation* activities have met the requirements set forth in § 9 Subsections 2 through 4 and the field for which the teaching qualification is sought; the members of the *Fachmentorat* will each prepare a written opinion. <sup>2</sup>For this purpose, letters of reference from other professors in the field in question as well as of professors teaching a related subject at other institutions of higher education shall also be obtained, as a rule within a period of three months. <sup>3</sup>The chairman will record the letters of reference received and shall present them to the Dean together with the *Fachmentorat's* recommendation as to whether or not the *Habilitation* requirements have been successfully fulfilled. <sup>4</sup>The Dean will inform the professors of the faculty in question of this recommendation, and shall provide them with the opportunity, either by circular letter or in other appropriate form, to make themselves familiar with all of the opinions of the *Fachmentorat* members as well as of the written *Habilitation* at least four weeks before the Departmental Council's session in which acceptance or refusal of the *Habilitation* will be decided.
- (3) <sup>1</sup>The Departmental Council must decide upon the *Fachmentorat's* recommendation regarding the *Habilitation* within four months. <sup>2</sup>If no decision is reached within this time limit, the teaching qualification shall be deemed as granted. <sup>3</sup>If the *Fachmentorat* concluded that the performance required for assessment of the teaching qualification according to § 9 Subsection cannot be fulfilled, or cannot be fulfilled within the time limit set forth in § 9 Subsection 1 and will most likely not be fulfilled within an appropriate grace period, the Departmental Council will dissolve the appointed *Fachmentorat* and will declare the *Habilitation* process failed. <sup>4</sup>In the event of dissolution, the Dean shall give written notice to the *Habilitand* within an appropriate time limit, specifying the grounds and giving instructions about the available legal remedies pursuant to Enclosure 2.
- (4) When the entire *Habilitation* process has been assessed as sufficient, the Departmental Council will formally award the teaching qualification, stipulating in which field.
- (5) <sup>1</sup>If, in the assessment of the *Habilitation* performance, the Departmental Council comes to the conclusion that the teaching qualification cannot be granted in the attempted field, but possibly for a different or more specialized field, the Dean will leave it up to the *Habilitand* to decide whether or not he/she wishes to change the *Habilitation* application within a time limit of one month. <sup>2</sup>If the *Habilitand* fails to amend the *Habilitation* application within the time limit set forth, further proceedings will be governed by Subsection 3 Sentences 3 and 4.

- (6) A repetition of the *Habilitation* process which failed pursuant to Subsection 3 Sentence 3 is not permitted.

### § 13

#### **Certificate**

<sup>1</sup>The successful completion of the *Habilitation* process will be documented by a certificate signed by the President and the Dean of the Technische Universität München bearing the seal of Technische Universität München pursuant to Enclosure 1, which will be presented to the *Habilitand* by the Dean. <sup>2</sup>The certificate shall bear the date of the day when the decision was made pursuant to § 12 Subsection 4.

### § 14

#### ***Umhabilitation***

<sup>1</sup>The Departmental Council may assess the teaching qualification for persons who have acquired a teaching qualification or teaching license from a different domestic or foreign university or an equivalent institution of higher education allowing for a dispensation from individual parts of or the entire *Habilitation* process; the Departmental Council may acknowledge any *Habilitation* activities rendered by the applicant. <sup>2</sup>§ 13 shall apply accordingly.

### § 15

#### **Suspension of the Process, Withdrawal of Favorable Decisions**

- (1) If it becomes evident that a *Habilitand* has been found guilty of misrepresentation in the *Habilitation* process before the certificate is handed over, the Departmental Council will declare the *Habilitation* performance rendered so far null and void and will suspend the process.
- (2) <sup>1</sup>For all other purposes, the withdrawal of the admission to the *Habilitation* process and the withdrawal of the assessment of teaching qualification will be governed by the applicable laws. <sup>2</sup>The Departmental Council will be in charge of any decisions relating thereto.



## IV. Final Provisions

### § 16

#### Publication of the *Habilitationsschrift*

<sup>1</sup>The *Habilitationsschrift* shall be published. <sup>2</sup>The *Habilitand* must provide six copies and one electronic version of this publication, and if the *Habilitationsschrift* will not be published, of the *Habilitationsschrift*; to the university library of the Technische Universität München; file format and storage medium of the electronic version shall be agreed upon with the university library.

### § 17

#### Transitory Provision

These Habilitation Statutes shall apply to applicants who have been accepted as applicants after the entry into force of the *Gesetz zur Änderung des Bayerischen Hochschulgesetzes vom 9. Juli 2003* (GVBl p. 427, BayRS 2210-1-1-WFK, 2030-1-2-WFK) and to persons who were writing their *Habilitationsschrift* at the time the above-mentioned law entered into force and who filed a written application the Dean in charge within three months from entry into force of this law to the effect that they wish to conduct their *Habilitation* process pursuant to the provisions of the *Gesetz zur Änderung des Bayerischen Hochschulgesetzes vom 9. Juli 2003*.

### § 18

#### Entry into Force

<sup>1</sup>These Habilitation Statutes shall enter into force as of 1 August 2003. <sup>2</sup>At the same time the Habilitation Statutes of Technische Universität München of 17 June 1992, last amended by statutes dated 23 January 2003, shall cease to be in force subject to § 17. \*)

\*) This provision concerns the entry into force of the Statutes in the original version of 9 December 2003. The date of entry into force of the subsequent amendments may be gathered from the individual amended statutes.



# HABILITATIONSURKUNDE

## Habilitation Certificate

DIE TECHNISCHE UNIVERSITÄT MÜNCHEN  
*TECHNISCHE UNIVERSITÄT MÜNCHEN*

STELLT FÜR/*CONFERS UPON*

HERRN / FRAU

.....

GEBOREN AM ..... IN .....  
*BORN ..... IN .....*

DIE LEHRBEFÄHIGUNG FÜR DAS FACHGEBIET  
*TEACHING QUALIFICATION IN THE FIELD OF*

„.....“

FEST, NACHDEM DIE FAKULTÄT .....  
DAS ORDNUNGSGEMÄSSE VERFAHREN NACH DER HABILITATIONSORDNUNG  
DURCHGEFÜHRT HAT.  
*THE FACULTY OF .....  
HAVING CARRIED OUT THE PROCESS IN ACCORDANCE WITH THE HABILITATION STATUTES.*  
DIE HABILITATIONSSCHRIFT TRÄGT DEN TITEL  
*THE HABILITATIONSSCHRIFT IS TITLED:*

„.....“  
.....

MÜNCHEN, .....

(SIEGEL)

.....  
PRÄSIDENT

.....  
DEKAN

### Advice on Legal Remedies

Opposition to this decision may be filed within one month after announcement. The opposition must either be filed in writing to or declared for the record of Technische Universität München, Arcisstraße 21, 80333 München.

Should a decision on the merits of the opposition fail to be made within an appropriate time limit without sufficient reason, an action may be brought before the Bayerisches Verwaltungsgericht München, Bayerstraße 30, 80335 München, in writing or declared for the record of the court office clerk of Bayerisches Verwaltungsgericht. The action may not be brought before expiration of a period of three months after the opposition has been filed unless a shorter time limit is required due to special grounds of the case. The action must state the claimant, the defendant (Technische Universität München) and the matter in dispute and should contain a specific request. The facts and pieces of evidence substantiating the case should be stated and the decision against which opposition is filed should be enclosed as original or counterpart. With the claim and any briefs, three copies should be enclosed for the other parties involved.