

– Inofficial Translation –

In case of doubt the German version applies

Habilitation Regulations for Faculty VII - Economics and Management

of Technische Universität Berlin

(entered into force on 8 March 2023)

On 23 November 2022, the Faculty Board of Faculty VII - Economics and Management, pursuant to Section 36 of the Berlin Higher Education Act in the version of 26 July 2011 (Berlin Gazette of Laws and Ordinances (GVBl.) p. 378), most recently amended by the Act of 5 July 2022 (GVBl. p. 450), in combination with Section 18 (1) no. 1 of the Constitution of Technische Universität Berlin in the version of 20 September 2018 (TU Official Gazette (AMBl.) p. 183), adopted the following Habilitation regulations:

Section 1 Teaching qualification

(1) Pursuant to Section 36 (1) of the Berlin Higher Education Act (BerlHG), the Habilitation (postdoctoral lecture qualification) serves as evidence of a candidate's competence to autonomously represent a scientific discipline or subject area in research and teaching.

(2) An individual is considered a postdoctoral lecturer when, pursuant to Section 36 (2) BerlHG, they have been granted the teaching qualification within the Habilitation procedure by a university with the right to award the Habilitation within the scope of the German Framework Act Higher Education.

Section 2 Application requirements and Habilitation performance

(1) Pursuant to Section 36 (4) BerlHG, applicants must possess a university degree and doctorate to be admitted to the Habilitation procedure.

(2) The scientific achievements in research and teaching required for the awarding of the teaching qualification shall be proven by:

1. A not yet published comprehensive monograph (Habilitation thesis) or published or publication-ready scientific work equivalent to a Habilitation thesis
2. At least two semesters of teaching in the form of lectures, integrated courses and seminars, together comprising at least four course hours per week at Technische Universität Berlin
3. The Habilitation lecture, pursuant to Section 9

Section 3 Habilitation application

(1) The application for admission to the Habilitation procedure (Habilitation application) is to be submitted in writing by the candidate to the dean of the faculty in which the candidate intends to acquire their Habilitation (application faculty).

(2) The Habilitation application may include an additional participating faculty.

(3) The Habilitation application must state the subject in which the candidate intends to acquire the Habilitation.

(4) The application shall include:

1. A CV including details of the candidate's education and professional development,
2. Documentation (certified copies or transcript) of the candidate's university degree and doctorate,
3. At least three copies of academic publications pursuant to Section 2 (2) no. 1 as well as in electronic format (pdf) in German or English,

4. A written statement that pursuant to Section 2 (2) no. 1, the candidate has compiled the thesis and other work without assistance and has not used sources and tools other than those indicated,
5. A complete list of the candidate's publications, inventions, and other technical, scientific, and academic achievements, if not already indicated under No. 3,
6. Documents relating to the candidate's teaching activities pursuant to Section 2 (2) no. 2,
7. A written statement that pursuant to No. 6, the courses were prepared and conducted independently, as well as a report of the objectives, content, and methods of teaching,
8. A written statement that the candidate is aware of these Habilitation Regulations,
9. A written statement that the candidate has not initiated any other Habilitation procedure that is still ongoing,
10. A written statement whether the candidate has initiated a Habilitation procedure for which a final decision has already been made; if applicable, with complete information concerning the documents submitted in said procedure and the final result,
11. Three distinctly differing topics from the proposed subject for the Habilitation lecture pursuant to Section 9.

(5) For the evaluation of academic publications published with other researchers, the candidate's contribution to the publication must be clearly demarcated ("Eigenanteil"). The applicant must also provide a declaration with the names and academic degrees of the co-authors stating that they are aware of this Habilitation application. Moreover, information must be provided whether these researchers acquired or applied for an academic degree or acquired or applied for Habilitation using the submitted joint work or parts thereof. The candidate submits their consent for these scientists to be informed of this Habilitation application. The same applies to courses conducted with other scientists.

(6) The dean of the application faculty examines the submitted documents for their completeness. If the documents are incomplete, the candidate will be notified of what is missing.

(7) The Habilitation application and the submitted documents (a single copy of the academic publications pursuant to Section 2 (2) no. 1) remain in the faculty, which, pursuant to Section 5, is responsible for the Habilitation procedure or assumes the primary role; if no faculty is responsible or assumes the primary role, the documents are to be submitted to the application faculty.

Section 4 Candidate information

The candidate is to be immediately notified of any decisions over the course of the Habilitation procedure. Missed deadlines and any negative decisions are to be substantiated in writing to the candidate.

Section 5 Responsible body for the Habilitation procedure

(1) A faculty is responsible for the Habilitation procedure when, pursuant to Section 99 BerlHG, the subject in which the candidate intends to acquire the Habilitation, or a related subject in the faculty, is represented by at least one professor or jointly by more than one professor.

(2) As soon as the Habilitation application is formally complete, the dean of the application faculty immediately informs all other faculties of Technische Universität Berlin of the Habilitation application, stating the date on which the application was complete, and if applicable, which other faculty is to be involved in accordance with the application.

(3) The application faculty and, if applicable, the additional participating faculty generally declare their technical competence for the subject matter within one month after receipt of the formally complete application or notification of the application; each faculty can challenge the technical competence of the other faculty. Within one month of being informed of the application, the faculty board of another faculty can declare its willingness to participate on the basis of its technical competence or challenge the technical competence of the application faculty or further participating faculties.

(4) If, on the basis of the procedure stated in subsection 3, only one faculty declares itself technically competent and no objections have been made to this declaration, this faculty is responsible for the Habilitation procedure.

(5) If, on the basis of the procedure stated in subsection 3, multiple faculties have declared themselves technically competent or their technical competence has been challenged, the Structural Committee (SK) is to immediately draft a settlement proposal with the participation of the faculties involved, recommending the technical competence of a faculty or the appointment of a Joint Commission with decision-making authority pursuant to Section 74 (5) BerlHG under the leadership of a faculty or recommending that no faculty is technically competent. As a rule, the faculties involved must reach a decision concerning the settlement proposal at the next faculty board meeting. If a settlement is not reached, a decision is made by the Academic Senate.

(6) If a joint commission is appointed pursuant to subsection 5, the dean of the faculty with the primary role assumes the position of chair. In all following regulations, the faculties involved in the Joint Commission take the place of the responsible faculty, the Joint Commission the place of the faculty board of the responsible faculty, and the faculty administration of the leading faculty for the faculty administration of the responsible faculty.

(7) If responsibility for the Habilitation procedure is not assigned to the application faculty, the candidate may withdraw the Habilitation application.

Section 5a Voting rights in the faculty board

(1) Voting rights during the performance evaluations (Sections 8 (4) and 9 (4)) are reserved for professors, excluding junior professors without a positive interim evaluation, and other members of the faculty holding a Habilitation as well as all authorized professors in accordance with Section 70 (5) BerlHG, excluding junior professors without a positive interim evaluation. Voting shall be open unless a member requests voting by secret ballot. Abstentions from voting are not permitted. Voting results are recorded by name and the ballot papers are added to the Habilitation file. The recording of the voting results by name must also be ensured in the case of secret ballots, written circulation procedure, and voting by means of an online voting tool. The following must be observed when using an online tool

- a. Only persons with voting rights have access,
- b. All cast votes are recorded and it is not possible for an individual to cast a second vote,
- c. It is technically impossible to trace a vote back to its source, and
- d. All data protection requirements are observed by the technical architecture of the online voting system and cannot be circumvented or overridden by user interactions.

(2) Only those who attended the Habilitation lecture shall have the right to vote in the decision on the award of teaching qualifications pursuant to Section 9 (4).

(3) In all other Habilitation matters, all members of the faculty board, including the professors entitled in accordance with Section 70 (5) BerlHG, vote.

Section 6 Initiation of the Habilitation procedure

(1) Once it has been determined which faculty is responsible for the Habilitation procedure, the respective faculty board initiates the procedure without delay or decides to reject the Habilitation application. The application can only be rejected when the subject for which the candidate has applied or the submitted academic publications do not sufficiently differ from that or those of a previous Habilitation procedure undertaken by the candidate.

(2) The university professors belonging to the faculty pursuant to Section 70 (5) BerlHG in conjunction with Section 17 (4) of the Constitution of TU Berlin are invited to make this decision with a notice period of 14 days. Pursuant to Section 54 of the Constitution of TU Berlin, the university professors who are not members of the faculty board are to declare their willingness to cooperate in writing

within one week of receiving this invitation; this declaration applies to the entire Habilitation procedure. If they do not provide a declaration of their willingness to cooperate, or if they fail to do so within the prescribed period, the professors are no longer able to participate in the decision to initiate the procedure named in the invitation. If professors only receive the right to participate during the Habilitation procedure, they are to be requested to make this declaration without delay.

Section 7 Determination of teaching performance

(1) Upon initiation of the Habilitation procedure, the faculty board determines whether the teaching performance pursuant to Section 2 (2) no. 2 is sufficient in nature and scope. Should the faculty board determine this as insufficient, it suspends the Habilitation procedure and provides the candidate with an opportunity to make up the missing teaching.

(2) As soon as the faculty board has declared the teaching performance as sufficient, it resumes the, if applicable, suspended Habilitation procedure. In order to assess the candidate's didactic abilities, the faculty board obtains an expert opinion from the responsible institute. The basis for this didactic expert opinion may include seminar concepts, teaching materials and the candidate's own evaluation documents, interviews with seminar participants or class observations.

Section 8 Collection and treatment of expert evaluations on research performance

(1) The faculty board will name at least two reviewers to provide an expert evaluation of the candidate's research performance. One reviewer must primarily be employed as a professor in the responsible faculty, excluding junior professors without a positive interim evaluation. The remaining reviewers should be professors at Technische Universität Berlin or another university entitled to award the Habilitation or a foreign university with a comparable academic standard; at least one reviewer should not be a member of Technische Universität Berlin. Only persons who are scientifically qualified to assess at least essential parts of the work in accordance with Section 2 (2) no. 1 may be named as reviewers. Qualification is generally proven by the academic chair of a professorship or a Habilitation in the subject area. There are also other means of establishing suitability. When selecting the reviewers, the faculty board shall ensure that they are able to assess the work comprehensively, if necessary in cooperation with each other. Each reviewer is to immediately take note of the work in full and to provide a clear justification of their evaluation in writing.

(2) On the basis of the work as per Section 2 (2) no. 1, the reviewers shall, as a rule, submit written reports on the candidate's scientific achievements in research independently of one another within three months. These reports must describe the innovative achievements in detail and establish whether the scientific performance of the candidate necessitates a different delimitation of the subject from that of the application.

(3) The reports pursuant to Sections 7 and 8 must be available for at least two weeks in the faculty administration. Voting members of the faculty have the right to submit detailed written counter-evaluations. These counter-evaluations are to be considered in further decisions regarding the Habilitation procedure.

(4) After expiration of the display period according to subsection 3, the faculty board shall immediately decide on the continuation or termination of the Habilitation procedure and, if necessary, on a delimitation of the subject deviating from the application on the basis of the expert evaluations and possible counter-evaluations. The expert evaluations and, if applicable, counter-evaluations from the group of members with voting rights are to be attributed a binding effect in principle with regard to content and are therefore to be granted decisive influence on the evaluation decision of the faculty board. The faculty board can obtain a further (if possible external) expert evaluation before making its decision. If a further expert evaluation is obtained, the display period of two weeks must again be observed pursuant to subsection 3.

(5) If the faculty board deems a delimitation of the subject necessary, it must justify this in writing to the candidate. Should the candidate not consent to the changed subject, they can withdraw the Habilitation application.

Section 9 Habilitation lecture

(1) If the faculty board has decided to continue the Habilitation procedure and has reached agreement with the candidate on the subject, it shall select the topic of the Habilitation lecture from the proposals requested in accordance with Section 3 (4) no. 11 and determine the place and location thereof. The Habilitation lecture is open to the University public and consists of a scientific lecture of approximately 45 minutes duration and a subsequent scientific discussion. The lecture serves as evidence of the candidate's competence to teach in an academic environment.

(2) The dean invites the public to the Habilitation lecture via a public announcement at least 14 days before the scheduled date. The reviewers, members of the faculty board, professors, adjunct lecturers (Privatdozent), and other members of the faculty with a Habilitation, as well as the president and deans of the other faculties at Technische Universität Berlin are to be invited in writing. On the orders of the faculty board the dean can invite further persons.

(3) The Habilitation lecture is held in German or English and conducted by the dean. All persons personally invited to lecture have the right to participate in the discussion. The dean may also award other persons present with the right to participate in the discussion. The candidate and all persons involved the performance evaluation in accordance with Section 5a must be present during the Habilitation lecture. If the candidate or a person involved in the performance evaluation is unable to attend the Habilitation lecture in person due to circumstances of force majeure, the dean may approve participation via video and audio transmission with the candidate's consent. In this case, the participant is considered present. If the candidate and all persons involved in the performance evaluation are unable to attend the Habilitation lecture in person due to circumstances of force majeure, the dean may allow the Habilitation lecture to take place in virtual format with video and audio transmission via a teleconference with the candidate's consent. If participants are only to take part via video and audio transmission or the entire lecture is to take place in virtual format, all technical and data protection requirements for the transmission must be fulfilled; the principle of orality, the University public and collegiality during the deliberation and decision regarding the performance must be observed.

(4) On the basis of the expert evaluations and possible counter-evaluations, scientific performance, and the Habilitation lecture, the faculty board shall decide at a closed meeting following the Habilitation whether to grant the teaching qualification for the intended subject or to discontinue the Habilitation procedure; the reviewers may participate in the discussion with the right to speak.

Section 10 Habilitation

(1) Within one year, the candidate shall make available to the University Library and the faculty a set of the work in accordance with Section 2 (2) no. 1 in a form suitable for reproduction. The date of the opening of the Habilitation procedure, the date of the faculty board's decision on the awarding of the teaching qualification, the names of all the reviewers, as well as the identifier of Technische Universität Berlin in library traffic (D 83) must be indicated. The deadline may be extended by the faculty board at the request of the candidate.

(2) As soon as the documents have been made available in accordance with subsection 1, the dean hands over to the candidate the certificate by which the faculty grants them the teaching qualification for the intended subject. The certificate bears the date on which the faculty board granted the teaching qualification, the signatures of the president and dean, and the seal of Technische Universität Berlin. The Habilitation is complete upon bestowal of the certificate, i.e. the candidate has been granted the teaching qualification.

Section 11 Withdrawal of Habilitation application

(1) The candidate can withdraw the Habilitation application as long as the Habilitation procedure has not yet been initiated, especially if the application faculty has not been named responsible for the Habilitation procedure pursuant to Section 5 (7). In this case, the Habilitation application is considered as not submitted.

(2) The candidate may withdraw the Habilitation if there is a deviation from the proposed designation of the subject in accordance with Section 8 (5).

Section 12 Termination of the Habilitation procedure

Except in the cases stated in Sections 7 (4), 8 (4), and 9 (4), the Habilitation procedure is to be terminated by a resolution of the faculty board if

1. the candidate has failed or refused, without sufficient justification, to comply within the prescribed period with an invitation to complete the Habilitation procedure,
2. or if prior to awarding the Habilitation, academic misconduct is proven against the candidate during the Habilitation procedure.

Section 13 - Remonstrance

(1) The candidate has the right to submit a remonstrance to the faculty board against the result of the Habilitation procedure or individual parts thereof.

(2) The remonstrance against the result of the Habilitation procedure is to be submitted to the dean with written reasons within 3 months of the announcement of the results. Upon request, the candidate shall be granted access to the files relating to their assessed work to substantiate their reasons.

(3) The dean is responsible for ensuring the remonstrance procedure is conducted properly. He/she presents the remonstrance to the members of the faculty board. As a general rule, the faculty board makes a decision about the remonstrance at the earliest possible faculty board meeting. During this process, the relevant evaluations and their argumentations are to be reviewed.

(4) The outcome of this review including the grade is to be justified in writing. The dean informs the candidate of the faculty board's decision regarding the remonstrance.

Section 14 Rights of the postdoctoral lecturer

(1) Pursuant to Section 118 (1) BerlHG, the postdoctoral lecturer has the right to request the *venia legendi*. The application must be submitted to the faculty responsible for the subject of the *venia legendi*. The *venia legendi* is awarded by the president following the decision of the faculty board.

(2) A certificate signed by the dean and the president shall be issued confirming the authorization to teach. The right to teach is associated with membership of the University and the right to use the term *Privatdozentin/Privatdozent* (Priv.-Doz./private lecturer).

Section 15 Withdrawal and expiration of the teaching qualification

(1) The teaching authorization expires when the person to whom the Habilitation has been awarded is no longer entitled to use the title of Doctor. Pursuant to Section 36 (7) BerlHG, the president shall decide on the expiration of the teaching authorization upon request of the faculty.

(2) The teaching authorization is revoked by resolution of the faculty board if the Habilitation was obtained by unfair means.

Section 16 Data processing and access to files

(1) The faculty is authorized to process personal data collected in accordance with these regulations to the necessary extent for the fulfillment of the assigned tasks in the Habilitation procedure. Data

may only be transmitted on the basis of a specific legal provision. The faculty can maintain anonymized statistics for business purposes.

(2) The Habilitation documents are stored in examination files. These are created and processed by the faculty board or on its behalf.

(3) Within three years of completion of the Habilitation procedure, the candidate is to be granted access to their examination file upon request and with provision of reasonable notice. In all other respects, the Administrative Procedure Act of Berlin shall apply.

Section 17 Temporary provision

For Habilitation procedures that have already been initiated at the time these regulations take effect, the prior Habilitation Regulations of the responsible faculty apply.

Section 18 Entry into force

(1) These regulations enter into force the day following their publication (8 March 2023) in the Official Gazette of Technische Universität Berlin.

(2) Simultaneously, the Habilitation Regulations of the Faculty of Economics at Technische Universität Berlin of 11 May 1988 (Official Gazette p. 1771) expire.