OFFICIAL GAZETTE

Publisher: President of Technische Universität Berlin
Straße des 17. Juni 135, 10623 Berlin
ISSN 0172-4924
Editorial office: Ref. K 3, Tel.: 314-22532

No. 19/2018
(71st volume)
Berlin,
20 September 2018

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II. Notifications

Notification of the updated version of the Constitution of Technische Universität Berlin

On the basis of a resolution taken by the Extended Academic Senate of Technische Universität Berlin of 13 December 2017 (resolution EAS 5/2 – 13.12.2017), notification is provided below of the text of the Constitution of Technische Universität Berlin in its version of 6 February 2006 (TUB Official Gazette no. 2/2006; p. 11) taking account of amendments to the Constitution of Technische Universität Berlin of 31 October 2012 (TUB Official Gazette no. 11/2012, p. 286) and amendments to the Constitution of Technische Universität Berlin of 13 December 2017 (TUB Official Gazette no. 18/2012, p. 177).

Berlin, 20.09.2018

The President of Technische Universität
Berlin Professor Dr. Christian Thomsen
Constitution of Technische Universität Berlin

(in the version of 20.09.2018)

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Part A

Deviations from BerlHG as per Section 7a BerlHG

Section 1

Central bodies of Technische Universität Berlin
(supplements Section 51 of the current version of BerlHG)

(1) The central bodies of Technische Universität Berlin are
1. the Executive Board
2. the Academic Senate
3. the Extended Academic Senate
4. the Board of Trustees

(2) The Board of Trustees is an extraordinary central body whose purpose is to promote cooperation between Technische Universität Berlin, the state, and society.

(3) In addition to the members of the relevant bodies, the following also participate with right of speech and petition in sessions of the Academic Senate and its committees, the Extended Academic Senate and the Board of Trustees
1. members of the Executive Board (Section 2 (1) sentence 2)
2. a representative of each of the staff councils
3. the main women’s representative
4. a representative of the General Students’ Committee (AStA)
5. the representative for staff with disabilities
6. the representative for students with disabilities for issues relating to students with disabilities
7. the data protection officer

Further details regarding the rights and competences of the central bodies of Technische Universität Berlin are set out in the following sections.

Section 2

Management of Technische Universität Berlin
(supplements Section 52 of the current version of BerlHG)

(1) Technische Universität Berlin is managed by the Executive Board. The Executive Board consists of the president, the vice presidents and the vice president for administration.

(2) The Executive Board works on a collegial principle. Policy-making authority resides with the president. Within the scope of the policies established by the president, each vice president, including the vice president for administration, has sole responsibility for their own area of competence. The vice presidents and the vice president for administration support the president in the execution of his/her duties. The president may delegate duties to the vice presidents and the vice president for administration.

(3) The Executive Board may appoint committees to provide advice and assistance. The Executive Board determines the duties, composition and duration of these committees.

Section 3

Election of the president
(supplements Section 53 of the current version of BerlHG)

(1) The prerequisites to stand for the office of president are a university degree and the capacity to fulfill the duties of the office of president on the basis of several years’ experience gained in positions of responsibility, particularly in academia, commerce, administration or justice.

(2) The period of office for the president of Technische Universität Berlin is four years. Re-election is possible.

(3) Nominations for the election of the president are determined by the Academic Senate. Nominations are submitted to the Board of Trustees for comment. In addition to commenting, the Board of Trustees may also propose its own nominations. Nominees receiving the support of at least one third of the members of the Academic Senate or the Board of Trustees may stand for the office of president.

(4) The president is elected by members of the Extended Academic Senate on a majority basis.

(5) If no candidate achieves a majority of votes in a second vote, a third vote will be held between the two candidates who achieved the most votes in the second round, to be decided on the basis of a simple majority. The Extended Academic Senate may appoint the president on the basis of the third round of votes, irrespective of the number of members present.

(6) Should only one candidate be nominated by the committees, who nevertheless fails to obtain the support of the majority of members in the first and second round of votes, this candidate will be elected president if they achieve a simple majority of valid votes cast in the third round.
Section 4
Duties of the Executive Board
(supplements Section 56 of the current version of BerlHG)

(1) The president represents Technische Universität Berlin unless other provisions prevent this.

(2) The president is obliged to examine with suspensory effect or to repeal all decisions and measures taken by University bodies or other departments within the University not complying with legislation. In cases of measures required by legislation which have not been taken, the president is responsible for issuing any instructions deemed necessary and for implementing the necessary measures.

(3) Where it is not possible to defer, the president may take any necessary measures including interim measures on behalf of the bodies or other University departments with responsibility.

(4) The competence of the president pursuant to subsections 2 and 3 shall not apply with respect to the Board of Trustees.

(5) Members of the Executive Board have right of speech, information and petition at all sessions of academic self-administration committees. The Executive Board is to be informed with immediate effect regarding decisions taken by the various bodies of Technische Universität Berlin.

(6) Unless otherwise determined by this Constitution, the Executive Board is responsible for all activities of Technische Universität Berlin. In particular, the Executive Board is responsible for:

1. approval of the draft budget
2. motions for the enactment of fee statutes pursuant to Section 2 (7, 7a and 8) BerlHG and statutes relating to academic issues
3. motions to establish, make changes to and dissolve organizational units
4. implementing resolutions of the Academic Senate regarding establishing and discontinuing study programs
5. motions to establish structural and development plans
6. establishing the scope of university professorships at the suggestion of the relevant faculty and on the recommendation of the Academic Senate in agreement with the member of the Berlin Senate with responsibility for higher education
7. motions for amendments to the Constitution of TU Berlin
8. submitting accounting reports after two years
9. the powers of the service authority and supreme service authority
10. the maintenance of order and the exercise of the regulations governing the premises

The rights of other bodies as well as the rights of petition of other eligible parties remain unaffected.

Section 5
Vice presidents
(supplements Section 57 of the current version of BerlHG)

(1) The first vice president is the permanent representative of the president.

(2) Pursuant to Section 3 (3 to 6), the first vice president is elected from among the University’s full-time professors. The period of office for the first vice president is four years but terminates with the ending of the term of office of the president.

(3) Two further vice presidents are elected at Technische Universität Berlin by the Extended Academic Senate. Election to these offices requires a two-thirds majority. The right to nominate candidates is restricted to the most recently elected president, the Academic Senate and the Extended Academic Senate. Nominations of candidates for the election of additional vice presidents require the support of at least one third of the members of the Academic Senate or the simple majority of the Extended Academic Senate. The number of vice presidents elected is to be determined prior to the election of the president.

(4) The period of office for additional vice presidents is two years but terminates at the latest with the termination of the period of office of the president. Re-election is possible.

(5) The office of vice president can be assumed on a full-time basis. Should it be decided that the office of a vice president is to be assumed on a full-time basis, she/he will be granted leave from their current positions. A contractual relationship under public law shall be established with the vice presidents. The decision concerning the full-time status of the office of a vice president is to be made by the president prior to the election of the vice president.

(6) Vice presidents are appointed by the member of the Berlin Senate with responsibility for higher education.

Section 6
Vice president for administration
(supplements Section 58 of the current version of BerlHG)

(1) The vice president for administration supports the president in the execution of her/his duties. The vice president for administration is responsible for the University’s administration and is thus bound to the provisions established by the president. She/he is the appointee with responsibility for the budget. As appointee with responsibility for the budget, the vice president for administration is responsible for draft budget documents as well as the management of the budget itself. She/he is to be involved in all measures relating to financial issues.
The vice president for administration is selected upon the nomination of the president and appointed by the appropriate member of the Berlin Senate.

The vice president for administration must fulfill the criteria to assume judicial office or a senior position within the civil service pursuant to Section 24 (1) sentence 2 no. 2 of the Careers Act and possess three years' experience of working in public service in a position qualifying them for the office of vice president for administration in terms of aptitude and technical knowledge.

The vice president for administration at Technische Universität is a civil servant on a fixed term basis with a period of office of ten years. Alternatively, a contract subject to public law with a period of office of five years may be agreed upon by the Board of Trustees and the vice president for administration. The type of employment contract cannot be changed during the period of office. The vice president for administration may be reappointed.

Section 7
Authority for the Executive Board
(supplements Section 67 (1) BerlHG)

(1) The member of the Berlin Senate responsible for higher education is the service authority and supreme service authority for the president and the first vice president.

(2) The president is the service authority or supreme service authority for all further members of the Executive Board.

Section 8
Composition of the Academic Senate
(supplements Section 60 of the current version of BerlHG)

(1) The Academic Senate consists of twenty-five members with right of vote, namely
1. thirteen university professors
2. four members of academic staff
3. four students
4. four members of office and technical staff

(2) The president occupies the position of chair. The following are entitled to participate with right of speech, information and petition at sessions of the Academic Senate
1. the deans of the faculties
2. the chairs of all committees of the Academic Senate
3. the chairs of the institute councils of the central institutes
4. the chairs of the joint committees pursuant to Section 74 BerlHG, Section 45 of the University Constitution.

Section 9
Duties of the Academic Senate
(supplements Section 61 BerlHG)

(1) The Academic Senate is responsible for academic matters affecting the University as a whole, in particular
1. statements on the draft budget
2. statements on University contracts
3. proposals for establishing, making changes to and discontinuation of organizational units as well as commenting on the establishing of, changes to and the discontinuation of subdivisions of faculties
4. establishing and discontinuing degree programs
5. the enactment of statutes, as far as no other competence exists
6. the establishment of principles, including the conclusion of interdisciplinary procedural regulations for teaching, studies, examinations, doctorates and Habilitations
7. statements on study and examination regulations
8. the adoption of resolutions on campus development planning and the planning of equipment and facilities
9. recommendations regarding the scope of professorships
10. commenting on faculty appointment proposals
11. adopting guidelines and plans regarding the promotion of women
12. regulations of fundamental importance in questions of research and junior scholars and statements on cooperation agreements of fundamental importance
13. regulations regarding the use of University facilities and equipment
14. setting limitations on the number of admissions
15. statements on issues of fundamental importance

(2) The rights of other bodies remain unaffected.

Section 10
Standing committees
(supplements Section 61 BerlHG)

The Academic Senate establishes standing committees to support and advise the Executive Board and the Academic Senate in the following areas:
1. structural, development and research planning and the advancement of junior scholars
2. academics and teaching.

The composition of these standing committees as well as their duties and periods of operation are determined by the Academic Senate. Members of the committees are nominated by representatives of their membership groups in the Academic Senate. Half the members with voting rights on the committee for academics and teaching must be students.

Section 11
Composition of the Extended Academic Senate
(supplements Section 62 BerlHG)

The Extended Academic Senate of Technische Universität Berlin consists of 61 members with right of vote:
1. the twenty-five members specified in Section 8 (1) 
2. an additional eighteen university professors 
3. an additional six members of academic staff 
4. an additional six students 
5. an additional six members of office and technical staff 

(2) Members of the Academic Senate and the Extended Academic Senate are elected in a single ballot on the basis of proportional representation. The seats in the Academic Senate and thereafter the remaining seats in the Extended Academic Senate shall be filled according to the order of the list resulting from the election. Should a seat in the Academic Senate be waived in favor of a seat in the Extended Academic Senate, the vacated seat in the Academic Senate shall be filled by the candidate who obtained the highest number of votes of those not gaining election to the Academic Senate in the election.

(3) The Extended Academic Senate shall elect a board from among its members, consisting of two representatives of each membership group pursuant to Section 45 (1) BerlHG.

**Section 12**

**Duties of the Extended Academic Senate**

(supplements Section 63 BerlHG)

(1) The Extended Academic Senate is responsible for:
1. the election of the president
2. the election of the vice presidents
3. the deselection of the president
4. the adoption of resolutions concerning the Constitution
5. discussing and commenting on the president’s report to be submitted after two years
6. statements on issues of fundamental importance

(2) The rights of other bodies remain unaffected.

**Section 13**

**Council**

(supplements Sections 62 and 63 BerlHG)

No council is appointed. Sections 62 and 63 BerlHG do not apply.

**Section 14**

**Composition of the Board of Trustees**

(supplements Section 64 BerlHG)

(1) The Board of Trustees consists of 11 members: 
1. the member of the Berlin Senate with responsibility for higher education, or their appointed deputy 
2. six persons from public life with close links to academia and who neither are members of Technische Universität Berlin, the Berlin Senate or the Berlin administrative bodies 
3. four members of Technische Universität Berlin, one member from each group pursuant to Section 45 (1) BerlHG who may be deputized for in accordance with subsection 3 sentences 2 and 3

(2) Members pursuant to subsection 1 no. 2 are nominated on the basis of a two-thirds majority of members of the Academic senate and appointed by the member of the Berlin Senate with responsibility for higher education. The nomination procedure is to be conducted on the basis of gender parity.

(3) Members pursuant to subsection 1 no. 3 are to be elected in accordance with Section 48 BerlHG. Members who are unable to attend sessions may, if elected on the basis of individual proportional representation, be represented by the candidate receiving the next highest number of votes in their election. Members elected on the basis of majority vote may be represented by the candidate from their own membership group receiving the next highest number of votes.

(4) Members of the Academic Senate and the Extended Academic Senate may not be members of the Board of Trustees.

(5) The Board of Trustees elects one of its members as chair and one as vice chair.

**Section 15**

**Duties of the Board of Trustees**

(supplements Section 65 BerlHG)

(1) The Board of Trustees is responsible for:
1. the adoption of the budget and decisions on the annual accounts
2. statements on university contracts
3. statements on campus development planning and the planning of facilities and equipment
4. establishing, making changes to and dissolving organizational units upon the recommendation of the Academic Senate (This does not include establishing, making changes to and dissolving faculty sub-divisions pursuant to Section 18 (1) no. 4; should this apply to more than one faculty, then sentence 1 applies)
5. state matters of fundamental or special importance assigned to the University; in case of doubt, the Board of Trustees shall decide itself which matters are of fundamental or special importance
6. the enactment of fee regulations pursuant to Section 2 (7), (7a) and (8) BerlHG
7. the selection of the vice president for administration
8. guidelines for budgetary and economic management
9. the adoption of administrative regulations in personnel and personnel management matters
10. issues regarding the University’s responsibility towards society and the integration of the University into society

(2) The Board of Trustees may request reports from self-governing bodies and request other units to review specific issues.

**Section 16**

**Main committees, personnel committees**

(supplements Sections 66 and 67 BerlHG)

1. The University does not appoint main committees or personnel committees. The powers which would be assumed by such committees are transferred to the Executive Board, unless otherwise determined by this Constitution. Sections 66 and 67 BerlHG do not apply.
Section 17
Faculty board
(supplements Section 71 BerlHG)

(1) The dean and the faculty board are the bodies of the faculty.

(2) The faculty board is made up of the following thirteen members:
1. seven university professors,
2. two members of academic staff
3. two students
4. two members of office and technical staff

(3) The faculty board is chaired by the dean. The following are entitled to participate with right of speech and petition at sessions of the faculty board:
1. members of the Executive Board (Section 2 (1) sentence 2)
2. the dean
3. the vice deans
4. the deans of studies
5. the head of the administration of the faculty
6. the managing director of the institute
7. a representative of the relevant student governance body
8. a representative of each of the staff councils
9. the faculty women’s representative
10. the chair of the committee for education
11. the chairs of the examination boards
12. the advisor on academics and teaching
13. the representative for students with disabilities for issues relating to students with disabilities.

(4) Section 47(2) 3 BerlHG notwithstanding, all professors belonging to the faculty have the opportunity to participate with voting rights in decisions of the faculty board regarding appointment proposals for professors, junior professors, Habilitations and Habilitation regulations as well as decisions regarding doctoral regulations; insofar as they participate in a decision, they are considered members of the group of professors of the faculty board.

(5) Advice offered by professors who are not members of the faculty board should be heeded in all important issues relating to their academic chairs.

(6) The faculties may appoint holiday committees to deal with urgent matters.

Section 18
Duties of the faculty board
(supplements Section 71 BerlHG)

(1) The faculty board decides on
1. the issuing of statutes of the faculty (including study, examination, doctoral and Habilitation regulations)
2. budget appropriations within the framework of the faculty budget and in accordance with the budgetary measures of TU Berlin
3. the distribution of the faculty's assigned positions and vacant positions remaining with the faculty and of funds for staff not scheduled in the budget
4. establishing, making changes to and dissolving subdivisions of the faculty in agreement with the Academic Senate
5. the appointing of committees to support and advise the faculty board, including the composition, range of duties, procedures and duration of such committees
6. appointment proposals
7. Habilitations
8. proposals concerning the scope of university professorships
9. the proper conduct of teaching and examinations, the coordination of teaching and research, the evaluation of teaching and the awarding of teaching assignments
10. adopting structural and development plans, including plans for the promotion of women and staff development within the faculty
11. delegating responsibility to the dean for tasks not deemed of fundamental importance

The faculty board may delegate authority pursuant to sentence 1 no. 3 to the institute council for the assigning of positions and funding to the institute’s professorships and units. The rights of other bodies and Section 73 BerlHG remain unaffected.

(2) In particular, the faculty board has right of initiative and right of consultation to make proposals and statements on changes to the faculty as well as the dissolving of the faculty

Section 19
Dean
(supplements Section 72 BerlHG)

(1) The faculty is led by the dean.

(2) The dean is elected by the faculty board. As a rule, the faculty board elects one vice dean of research as well as one vice dean of academics and teaching to deputize for the dean. The dean and the vice dean of research must both be university professors. This also generally applies to the vice dean of academics and teaching: however, in exceptional circumstances, the vice dean of academics and teaching may also be a member of full-time academic staff whose work is mainly in the area of academics and teaching. If the vice dean of academics and teaching is not a university professor, then they may not be elected as deputy to the dean. The dean is required to be a member of the faculty board; this also applies to the vice dean acting as deputy.

(3) The dean is responsible for ensuring that members of the faculty fulfill their official duties, in particular as these refer to teaching and examinations. The dean deals with the day-to-day personnel and administrative matters of the faculty, subject to the responsibilities of the service authority and personnel office.
The dean is entitled to issue instructions to staff, unless they are assigned to University professors or faculty units.

1. The dean is responsible for:
   1. drafting the faculty budget
   2. establishing, making changes to or dissolving the organizational units and sub-divisions of the faculty
   3. motions regarding structure and development plans for the faculty
   4. proposals for study, examination, doctorate and Habilitation regulations in cooperation with the departments of the faculty
   5. drafting and implementing plans for the advancement of women

The rights of petition of others with right of petition remain unaffected.

1. The dean is responsible for proposals for the establishment and termination of the legal relationships of full-time and part-time employees, unless they are assigned to institutions pursuant to Section 75 BerlHG. Proposal for appointment as head of the administration of the faculty is on the recommendation of the dean with the agreement of the faculty board.

2. The dean is responsible for the daily business of the institute which does not fall within the remit of the faculty board and is entitled to take necessary decisions and implement necessary measures in matters which cannot be deferred in lieu of the faculty board. The authority of the faculty board to make its own decisions remains unaffected.

3. The dean has right of speech, information and petition at all sessions of the institute council. The dean has a duty of disclosure to the faculty board.

4. The faculty board may deselect the dean if two-thirds of its members are in favor of the dean’s deselection and have voted a successor. A simple majority suffices for the election of a successor. Deselectation may only take place at an additional session of the faculty board eight days after the motion for deselectation was made. Sentences 1 to 3 apply for the vice deans accordingly.

5. The bodies of the institute are the managing director and the institute council.

6. The institute council consists of seven members:
   1. four university professors
   2. one member of academic staff
   3. one student
   4. one member of office and technical staff

7. Contrary to subsection 2, an institute council may, upon application by the institute, consist of the following:
   1. seven university professors
   2. two members of academic staff
   3. two students
   4. two members of office and technical staff

8. Should an institute consist of less than four professors, the number of members entitled to vote from the other categories is correspondingly reduced. Further details are provided in Section 57. Should the number of academic chairs in an institute fall below four, a restructuring of the institute and its remaining academic chairs is to be carried out by the responsible committees.

5. The institute council is chaired by the managing director. The following are entitled to participate with right of speech and petition at sessions of the institute council:
   1. members of the Executive Board (Section 2 (1) sentence 2)
   2. the dean
   3. the vice deans
   4. the dean of studies
   5. the head of the administration of the faculty
   6. a representative of the relevant student governance body
   7. a representative of each of the staff councils
   8. the faculty women’s representative
   9. the representative for students with disabilities for issues relating to students with disabilities

6. Advice offered by professors who are not members of the institute council should be heeded in all important issues relating to their academic chairs.

Section 21
Duties of the institute council
(supplements Section 75 BerlHG)

1. The institute council is responsible for the basic affairs of the institute, in particular as these relate to:
   1. proposals for establishing, making changes to and disbanding the institute and its sub-divisions
   2. proposals concerning the scope of university professorships
   3. commenting on structural and developmental plans for the subject areas covered by the institute
   4. proposals for the establishment and termination of the legal relationships of full-time and part-time employees of the institute; where persons are assigned to individual professors, the decision referred to in the first half of this paragraph shall be taken on the recommendation of these professors. The institute council may delegate its right of proposal regarding the establishment and termination of legal relationships of staff employed through third-party funding pursuant to the first half of this paragraph to the project leader.

3. The rights of other bodies remain unaffected.

2. The institute council may delegate duties not deemed of fundamental importance
to the managing director.

(3) The institute council is to hold a session of all members at least once a semester.

Section 22
Managing director
(supplements Section 75 BerlHG)

(1) The institute council elects the managing director and at least one deputy from among the University’s professors.

(2) The managing director ensures that the members of the institute execute their official duties appropriately. 2The managing director is, subject to the powers of the administrative authority and human resources department, responsible for the institute’s day-to-day staffing and administrative matters. 3The managing director is entitled to issue instructions to staff, with the exception of the institute's professors.

(3) The managing director has an obligation to update the institute council.

Section 23
Budget
(supplements Section 88 BerlHG)

1 The vice president for administration drafts the budget on the basis of proposals made by the faculties, the central institutes and the central institutions and presents this to the president for approval. 2Thereafter, this is passed to the Board of Trustees for the adoption of the budget. 3The Academic Senate is to be given the opportunity to comment prior to this.

1 After the estimation of the subsidy in the Berlin budget, the budget is adopted by the Board of Trustees. 2Should the subsidy provided by the State of Berlin prove less than estimated in the draft budget, the Academic Senate shall be provided opportunity to comment before the budget is adopted.

The Berlin Court of Audit is responsible for auditing the budget accounts in accordance with Section 109 (2) of the State Budget Code.

Section 24
Official duties of professors
(supplements Section 99 BerlHG)

(1) Professors shall independently perform the duties incumbent on them in the areas of science and art, research, and teaching within their subject areas in accordance with their contracts.

(2) University professors are required to conduct classes in their subject areas within all degree programs and conduct the exams stipulated in the examination regulations. 2No extra payment is provided for conducting state examinations. 3The dean with responsibility for a degree program shall provide the names of the examiners required for the degree program to the respective state examination office at the latter's request.

(3) University professors may, for a limited time, focus partially or entirely on research activities.

(4) Depending on the duties incumbent on their university, the full-time duties of university professors include in particular

1. participation in continuing education programs at the university; the professor is exempt from these if she/he has fulfilled their teaching duties at the Technische Universität (Berlin location); if the requirements are met, participation in continuing education events may be conducted as secondary employment

2. supporting the advancement of students as well as junior scholars and emerging artistic talent and supervising the qualification and career development of academic staff assigned to them

3. participation in academic reforms and student advisory services

4. participation in the administration of the University

5. providing expert reports, including any necessary investigations, to their university and the Senate administration responsible for universities, for matters relating to doctoral and appointment procedures and to establishing probationary status for junior professors, as well as providing these services to universities and service authorities in other federal states in Germany

6. supporting knowledge transfer

1Upon request of the university professor, the performance of duties in and on behalf of primarily state-funded institutions dedicated to the promotion of art and science are to be regarded as official duties, as long as these are compatible with the fulfilling of other official duties.

(5) The nature and scope of the duties performed by an individual professor depend upon the nature of their employment relationship and their job description. These shall be subject to review at appropriate intervals.

(6) In order to conduct research projects and artistic development projects, or to update their knowledge in professional practice, university professors are to
be released from their other duties for one semester, or in exceptional cases two semesters, on application and at appropriate intervals, with continued payment of their salaries. ^2 Such a leave of absence may be taken seven semesters after the previous one was granted. If the leave of absence is granted for official reasons no more than two semesters later than after the expiry of the above-mentioned period, or if the university professor is able to demonstrate that they have taught in the past semesters without leave of absence in the compulsory or optional areas of their subject beyond their standard teaching requirements, the interval between leaves of absence may be accordingly reduced.

^3This also applies in cases of outstanding achievement or success in the fulfilling of teaching duties; decisions regarding the granting of leave of absence rest with the dean. ^4Upon completion of the leave of absence, a report is to be presented to the dean providing details of research undertaken and the resulting findings. The Senate administration responsible for higher education shall be authorized, upon consultation with the higher education institutions and in agreement with the Senate administrations for internal affairs and finance, to regulate details, in particular conditions for exemption, the procedure, and the crediting of income, by statutory order.

Section 25
Contract teachers
(supplements Section 120 BerlHG)

(1) Contract teachers are required to autonomously
1. undertake teaching duties which cannot be performed by university professors,
or
2. to supplement scientific and artistic teaching activities with practical training.

^1University professors are not permitted to undertake contract teaching at their own university. ^2This does not include participation in continuing education programs pursuant to Section 24 (4) sentence 1 no. 1 clauses 2 and 3.

(2) Contract teachers must possess at least one university degree, an aptitude for teaching and several years' professional experience; decisions concerning the scope and type of experience are taken by the relevant university committees.

(3) ^1Contract teachers are not employees of the university. ^2Contracts for contract teaching are issued for up to two semesters at a time by the head of the university. ^3The amount of teaching undertaken by a contract teacher must be less than half that of the teaching requirements of full-time teaching staff. ^4Upon sufficient reason, contracts for contract teaching can be withdrawn or rescinded.

(4) Contract teachers are to be remunerated; the only exception is if the contract teacher states in writing their wish to waive remuneration or if the volume of work arising from the contract is assessed as constituting part of the official duties of a full-time position in public service. ^5Other than when approved, contract teachers will only be paid for the duties they actually perform.

(5) ^1Further details, including rates of pay for contract teachers, are set out in the guidelines passed by the Senate administration for higher education upon consultation with universities and with the approval of the Senate administration for finance and internal affairs. ^2Rates of pay for contract teachers should reflect pay rises and salaries in public service.

Section 26
Pilot phase
(Supplements Section 7a BerlHG)

(1) During the pilot phase, the above provisions shall be applied instead of the conflicting provisions of the Berlin State Higher Education Act.

(2) During the pilot phase, the Board of Trustees pursuant to Section 64 BerlHG, the Council, the main committee and the personnel committee shall suspend their activities. ^2The authority of the Board of Trustees pursuant to Section 65 (1) BerlHG shall, unless otherwise determined by existing regulations, be transferred to the Executive Board.

(3) The pilot phase will remain in effect until any changes to BerlHG result in regulations to the contrary.

Part B
Membership, procedures of academic self-administration committees, women’s representatives, part-time studies, honorary professors

Membership

I. Membership of organizational units and membership groups

Section 27
Primary membership

(1) Membership (primary membership) of faculties, central institutes (non-faculty academic units) and institutes (academic units within faculties) is determined as follows:
1. For members of the university who are employees of the university: on the basis of the unit to which their position is assigned or on the basis of the funding from which they are paid;
2. For persons paid from third-party funding and whose full-time employment at the university has been approved by the president: on the basis of the membership of the researcher employing them;
3. For the categories of Honorarprofessor or Privatdozent (including außerplanmäßiger Professor): on the basis of a decision taken by the faculty board or the institute council upon application by the person in question (if denied, membership is determined on the basis of a decision taken by the Academic Senate);
4. Students can choose between a faculty of their degree program and - if the option applies - an institute of this faculty.

^1Persons pursuant to sentence 1 no. 2 belong to the academic staff group if the duties they perform are of an academic nature; otherwise they belong to the office and technical staff group.

(2) A member of the University can only be a primary member of one faculty or central institute or other membership group pursuant to Section 45 BerlHG. However, if primary membership is in a faculty, then it is possible to have additional primary membership in an institute of
the same faculty. \(^1\) Should pursuant to subsection 1 a person have a right to membership in several organizational units, primary membership is determined on the basis of their contract. \(^1\) Should such a person be employed in a number of capacities, then they can choose from one of these options upon application to the president; they have until the end of the lecture period in a semester to choose another option which will then take effect from the start of the following semester.

Section 28
Secondary membership

\(^1\) A member of the University is entitled to additional memberships (secondary membership) of further organizational units in addition to their primary membership pursuant to Section 27. Only persons, however, whose primary membership is in a faculty are entitled to secondary membership in an institute belonging to this faculty. \(^2\) Persons with secondary membership, unless otherwise determined by this Constitution, are accorded the same rights as those with primary membership, with the exception of the right to vote in elections and the right to participate in the faculty board in accordance with Section 54.

\(^2\) Should, pursuant to Section 27 (1), a University member be entitled to more than one membership, they may, upon declaration to the president, select one of these as their secondary membership, other than that which pursuant to Section 27 (2) constitutes their primary membership.

\(^3\) A University member may also acquire additional secondary memberships if their qualifications entitle them to do so and if such secondary memberships facilitate the execution of professional duties. Secondary memberships are necessary if a member of the University is required to carry out work within an organizational unit where legal provisions require that such work may only be conducted by a member of said organizational unit.

\(^4\) A secondary membership in accordance with subsection 3 is created by a decision of the faculty board or institute council on application or with the subsequent consent of the member. \(^5\) This expires with termination of the first membership by providing notice or by decision of the faculty board or institute council.

II. Honorary membership

Section 29
Conditions for honorary membership

(1) In recognition of outstanding achievement, the University may bestow honorary membership (Section 2 (6) BerlHG). \(^1\) Significant services to the university are a condition of receiving honorary membership. \(^2\) The title can also be bestowed together with the title of Honorary Senator.

(2) Honorary membership may not be granted to a member of the University or its Board of Trustees. An honorary member may not directly or indirectly occupy a position or an office of the state of Berlin or be connected to Technische Universität Berlin in the execution of their official duties. \(^1\) However, honorary membership may be granted to such persons if their membership of the University or its Board of Trustees has expired or they have been released from their official duties.

Section 30
Criteria for the awarding of honorary membership

\(^1\) Honorary membership is bestowed by the Academic Senate upon the recommendation of the president. \(^2\) The proposal must provide a justification and include the CV of the person upon whom honorary membership is to be bestowed.

\(^2\) The Academic Senate consults at least three expert reports before reaching a decision. \(^4\) The draft of a laudation must be available at the latest by the second reading.

Section 31
Withdrawal of honorary membership

Honorary membership can be withdrawn

1. if important criteria for the granting of the honorary membership were erroneously accepted as given or
2. if the subsequent conduct of the holder of the honorary membership proves unworthy of their honorary membership.

III. Termination of membership

Section 32
Dissolving of membership

(1) Membership of a university as an employee terminates with the cessation of employment. \(^1\) Membership of an honorary professor remains unaffected.

(2) The membership of third-party funded staff pursuant to Section 27 (1) no. 2 expires with the termination of employment at the University.

(3) The membership of persons pursuant to Section 27 (1) no. 3 expires when they reach the age limit for the pensioning of professors.

(4) Membership of students ceases with their termination of enrollment.

Section 33
Additional duties of professors after termination of employment

(1) After retirement, professors are entitled to the rights associated with their teaching authorization to hold courses and to participate in examinations. \(^2\) They are entitled to supervise research and to complete research projects commenced before retirement. \(^3\) Applies accordingly to persons pursuant to Section 7 (1) no. 3, whose membership pursuant to Section 32 (3) has expired.

\(^2\) The faculty board may, for good reason, decide on the continued employment of university professors for a limited period of time if their employment ceases prior to retirement. \(^3\) A good example would be work in the area of research and teaching commenced prior to the ending of employment and whose completion is in the public interest. \(^4\) Such duties have to be exclusively linked to the professor and not be such as can be delegated to another person. \(^5\) These include the completion of research projects, the supervision of research work, doctoral theses, dissertations and Habilitation theses, involvement in university and state examinations and the awarding of certificates.

(5) The decision pursuant to subsection 2 must be reached and conveyed to the relevant person prior to the termination of their employment. \(^6\) This decision becomes effective with the agreement of the person affected.
Any further activity under subsections 1 and 2 above shall not constitute a claim for remuneration against the University.

Regarding the completion of research projects, further activity pursuant to subsection 2 shall be limited to the end of the semester following termination of employment. This may not exceed a maximum period of three years.

Procedures for academic self-administration committees

I. General

Section 34 Supporting members in self-administration

The University provides the necessary funds for participation in the committees of academic self-administration. Committee members may jointly take advantage of this support. Further details are regulated by the Board of Trustees upon proposal of the Academic Senate.

Section 35 Rules of procedure

Academic self-administration committees may adopt rules of procedure for themselves. The rules of procedure contain, among other things, more detailed provisions concerning the conducting of votes by written procedure pursuant to Section 47 (4) sentence 3 BerlHG. If no rules of procedure exist for a faculty board, the council of a central institute, a joint committee with decision-making powers, or the institute council of a central institute or an institute, the rules of procedure of the Academic Senate shall apply accordingly.

Section 36 Closed meetings

A candidate finishing directly behind anyone voted as member in the nominations (in other words 1st deputy) does not constitute a member of the public as per Section 50 (2) BerlHG with regard to the Academic Senate, the Extended Academic Senate, a faculty board, a joint committee with decision-making powers, or the institute council of a central institute or its committees. She or he is also entitled to attend closed sessions and to examine relevant advisory documents including when the member themselves is present.

Section 37 Terms of office

The calculation of periods of office in accordance with Section 49 (1) BerlHG is on the basis of academic years as per Section 29 (1) sentence 2 BerlHG.

The regulations of the central institutes may set a reduced period of one year of office for student members.

Section 38 Deadlines

Deadlines referred to in this Constitution and in the University’s other legal provisions and rules of operation expire at 15:00 on their last day; in individual cases, a different time may be set for elections by the electoral committees. Should a deadline fall on a Saturday, a Sunday or a statutory public holiday, the deadline shall be the next working day or, in the case of a retrospective calculation of deadline, the last working day prior to the deadline. Deadlines are suspended by the academic Christmas holidays; legal provisions and the University’s rules of procedure may provide that certain deadlines are also suspended by semester breaks.

Section 39 Duty and right of information

The chairs of academic self-administration committees are obliged to inform members and provide information upon request on all matters relating to the duties of the committee, including the implementation of decisions. Members are entitled to inspect files within the competence of the committee and in compliance with legal provisions.

The president, deans and managing directors are to immediately inform the relevant committees of decisions and measures which they have taken or introduced in urgent matters in lieu of the committees and bodies on the basis of corresponding legal or statutory authorizations.

Section 40 Suspensive group veto

If the Academic Senate, a faculty board, a joint committee with decision-making powers or an institute council of a central institute or an institute reaches a decision against the votes of all members with voting rights of either the academic staff, student, or office and technical staff groups, the chairperson of the committee must, upon request, place the matter on the agenda of the following meeting. In the case of voting by show of hands, the motion must be made by acclamation during the counting of the votes; in the case of voting on the basis of concealed ballot papers (secret ballot), the motion must be announced before the vote so that the group veto can be determined by counting the votes of the respective group separately. A period of at least one week must elapse between the first and second votes. A decision then becomes effective if confirmed by the committee.

Should a motion be decided in more than one round of voting as per Section 47 (3) BerlHG, each group may only interpose a group veto once, in other words in either the first or second vote.

A group veto is inadmissible for decisions on rules of procedure and elections.

II. Academic Senate

Section 41 The Academic Senate’s statements on legal provisions

Should the Academic Senate have misgivings concerning the legal provisions of the faculties, the joint committees or the central institutes presented to it in accordance with Section 9 (1), then the Academic Senate shall return these to the relevant department or unit for further consideration and examination. Should misgivings persist upon re-presentation of the legal provisions, the president shall forward such provisions including the comments agreed by the Academic Senate to the
appropriate member of the Berlin Senate. In urgent cases, the Academic Senate can immediately forward the draft of the legal provisions together with comments to the member of the Berlin Senate with responsibility for higher education.

Study and examination regulations are to be addressed in the Academic Senate within three months of the submission of all documents to the president. The committee for academics and teaching assesses if it will be possible to observe this deadline after all documents have been submitted.

III. Advisory committees:

Section 42
Standing committees of the Academic Senate

(1) Standing committees are to be established for the following areas to support and advise the Academic Senate and the president:
1. structural, development and research planning and the advancement of junior scholars
2. academics and teaching

(2) With the agreement of the president, the Academic Senate may also establish other standing committees. The composition of these committees is determined by the Academic Senate with the agreement of the president taking account of Section 46 (4) BerlHG. Subsection 3 sentence 2 applies accordingly.

(3) Members of the standing committees as well as those who deputize for them are nominated for a period of two years by representatives of their membership group in the Academic Senate. The Academic Senate may reduce the period of office for the first appointment of members of the committees after the Constitution has become effective to just one year in order to create overlapping periods of office for committee members.

(4) Both the chair of a standing committee and their deputy must be members of the committee; they are elected as committee members by the Academic Senate upon recommendation of the relevant standing committee for the duration of their period of office.

(5) The president informs the standing committee of all developments in its area of responsibility and provides all necessary documents.

Section 43
Standing committees of a faculty

(1) The faculty board may, in accordance with Section 73 (1) sentence 3 BerlHG, appoint a standing committee to advise on matters relating to research (research committee) in addition to the standing committee on issues relating to studies. When required, the faculty board may, with the approval of the president, appoint further standing committees.

(2) More than half the seats with right of vote in the standing committee on issues relating to teaching must be assigned to students. More than half the seats with right of vote in the standing committee on issues relating to research must be assigned to university professors.

Section 44
Other advisory committees

The composition of other advisory committees is determined by the appointing committee in accordance with Section 46 (4) BerlHG.

IV. Joint faculty committees

Section 45
Appointment

(1) A joint committee is appointed
1. on the basis of a unanimous decision of the faculty boards of the relevant faculties upon application of a faculty board as defined in Section 74 (1) BerlHG of the relevant faculty or pursuant to Section 74 (3) BerlHG upon application of the Academic Senate or
2. pursuant to Section 74 (3) BerlHG by the Academic Senate in consultation with the relevant faculties.

A joint committee whose duties are not restricted to a specific period of time (in other words standing joint committees) can only be appointed on the basis of no. 2. Any faculty involved may submit an application to the Academic Senate.

(2) The faculty to which a professorship is assigned should form the majority in joint appointment committees.

(3) A joint committee appointment decision must include:
1. details as to whether the committee is a standing joint committee or not
2. details as to whether the committee is a joint committee with decision-making powers or not
3. the function of the joint committee; in the case of joint committees with decision-making powers, it must be established which areas of competence are transferred to the committee by which faculty boards
4. the number of members and their distribution in terms of member groups and the participating faculties with respect to Section 74 (4) BerlHG

(4) Insofar as a decision to establish a joint committee in accordance with subsection 1 no. 1 is agreed by all faculties involved, the Academic Senate may not deviate from this when establishing the joint committee in accordance with subsection 1 no. 2. The Academic Senate may, however, upon consultation with the participating faculties, assign further duties to existing joint committees as well as those committees being established.

An application to do so can also be submitted by one of the participating faculties or by the joint committee itself.

(5) The appointment of a joint committee in accordance with subsection 1 no. 1 is to be communicated to the president. The president informs the Academic Senate.

(6) Section 73 (3) and (4) BerlHG applies accordingly to joint committees for the preparation of appointment proposals or Habilitations. Academic staff, students and office and technical staff not possessing a Habilitation but whose participation in the drafting of the Habilitation regulations is required by the relevant regulations are granted the same rights as members with right of vote up to but not including the right of vote.
Section 46
Members of joint committees

(1) Candidates are nominated by a faculty board member of
their membership group.

(2) Each faculty board member has as many votes for each
member group as there are seats to be allocated in that member
group. Candidates receiving two thirds of the votes of
the members of the faculty board shall be elected in the order of the
number of votes they receive. If the number of votes is tied, there
will be a runoff vote. If the runoff vote fails to produce a
result, then the vote will be decided by the drawing of lots.
Should this process not produce enough people to fill all the
seats on the committee, then additional persons will be voted
using the same process.

(3) The period of office of members of joint standing
committees is determined by the period of office of the faculty
boards. Re-election is possible. A new election (post-election)
will be held for seats which become available, unless a successor
has already been decided upon. A post-elected member shall
enter the current term of office of their predecessor.

(4) All members of the relevant membership groups of the
relevant faculty may be elected; section 73 (3) sentence 3
BerlinHG remains unaffected.

(5) Election of a new joint committee and any change to its
composition are to be communicated to the president.

Section 47
Constitution and chair

(1) The constitutional session of a joint committee is called by
the president or another person appointed by the president to do
so. The constitutional session of a joint appointment committee
is called by the dean of the faculty to which the position is
assigned.

(2) Each joint committee elects from its members a chair and a
deputy. For joint committees with power of decision, both must
be university professors. The chair represents the joint
committee and conducts its business.

(3) The president is to be informed of the names of the chair and
their deputy.

Section 48
Repeal and dissolution

(1) A joint committee is dissolved once its duties have been
fulfilled or once the purpose for its establishment has ceased to
exist. If the joint committee, one of the participating faculties
or the Academic Senate has any doubts regarding this, a
declaratory decision according to subsection 2 or 3 shall be
made.

(2) A joint committee pursuant to Section 45 (1) may be
dissolved by the unanimous decision of the faculty boards of the
participating faculties. Should no unanimous decision be
reached, this will be decided by the Academic Senate upon
application of one of the participating faculty boards after
consultation with the other participating faculty boards.

(3) A joint committee as defined in Section 45 (1) no. 2 may be
dissolved by the Academic Senate upon consultation with the
participating faculties.

(4) After the joint committee has been dissolved, any remaining
duties shall be wound up by the joint committees, unless
otherwise provided for in the decision regarding the dissolution
of the joint committee. Once these remaining duties have been
executed, the president declares the joint committee as
dissolved.

Section 49
Application to central institutes

If a joint committee pursuant to Section 74 (7) BerlinHG is
established with the involvement of a central institute, the
regulations regarding faculties also apply by extension to central
institutes.

V. Holiday committees

Section 50
General

During the lecture period, the Academic Senate may appoint a
holiday committee for the semester breaks. Members of a
holiday committee must be members or deputies of members of
the appointing committee. Holiday committees advise and
decide on urgent matters.

Section 51
Composition of a faculty board holiday committee

The holiday committee of a faculty board comprises the following
members:

1. the dean or vice dean as chair,
2. three additional university professors
3. one member of academic staff
4. one student
5. one member of office and technical staff

Section 52
Determination of composition

The composition of a holiday committee within the member
groups depends on the election result for the appointing
committee; in the case of list elections this will be on the basis of
the Hare-Niemeyer largest remainder method procedure. In
the latter case, only the distribution of seats on the lists shall be
determined. Procedural differences may be employed if the
Hare-Niemeyer procedure would result in a change in the
existing majority within the appointing committee. Differences
should be minimal.

Section 53
Priority reservation for the appointing committee

The chair of the appointing committee may convene a session of
the appointing committee in the semester holidays, whether or
not a holiday committee has been appointed.
VI. Decisions on appointment proposals, Habilitations and on Habilitation and doctorate regulations

Section 54
Further involvement of University professors

1 University professors belonging to a faculty are to be invited to attend all faculty board decision-making sessions regarding appointment nominations, Habilitations and Habilitation and doctoral regulations. Invitations are to be sent by interoffice mail or, if more convenient, by conventional mail and are to be issued 14 days prior to the scheduled date for a session. 2 University professors who are not members of a faculty board are required to declare in writing within one week their intention to participate. 3 Should they not do so, or if they fail to do so within the prescribed period, these professors are no longer able to participate in the decision process referred to in the invitation.

For decisions as per subsection 1 to be taken by a joint committee, all university professors belonging to faculties participating in this committee are to be invited.

Section 55
Legal status of participating university professors who are not members of the faculty board

1 Faculty professors who are not members of the faculty board are granted the same rights and duties regarding participation in decision making pursuant to Section 54 (1) as members of the faculty board with right of participation in decision making. 2 There is no legal obligation to participate in decisions as per Section 54 (1). 3 Should the decision-making processes for an individual matter require more than one session, participation in each individual decision remains on a voluntary basis.

The necessary documents are to be sent with the invitation to participate in decisions as per section 54 (1). Invitations to participate in decisions concerning appointment proposals and Habilitations also include the option to inspect the relevant files. Inspection of the files shall be granted within the invitation period pursuant to Section 54 (1) sentence 1. In order to enable a proper right of inspection, the dean shall make detailed provisions regarding the place and duration of the inspection.

Section 56
Decision making

1 In matters pursuant to Section 54 (1), the faculty board or the joint committee achieves a quorum if at least half of the elected members entitled to vote are present.

2 Decisions on matters pursuant to Section 54 (1) shall not be taken during semester breaks.

3 The minutes taken of decisions pursuant to Section 54(1) shall include the names of the participating professors.

VII. Smaller institute councils

Section 57
Right of vote for smaller institute councils

1 For institute councils with less than three university professors, the right of vote is not extended to the student group, unless the representative for office and technical staff does not have right of vote on a specific issue.

2 If an institute council only numbers two university professors, then the right of vote is further removed from the office and technical staff group. For institute councils with only one professor, only he or she has right of vote. In all other respects, those representatives of groups whose right of vote ceases to apply have the same rights and duties as members entitled to vote.

(1) University professors who have been granted leave of absence in accordance with Section 24 (6) for a period of at least one semester may irrevocably declare the voluntary non-exercise of their right of vote for the period of their leave of absence.

2 Should the number of university professors with right of vote in an institute council fall below four as a result, then those university professors voted as deputies shall be given right of vote for this period of leave of absence. Should this still not result in four university professors with right of vote, right of vote will be extended, with their agreement, to university professors who have not been elected to the institute council or who did not stand for election. This will be conducted on the basis of a professor’s length of service in the faculty.

Should two professors have the same length of service, then this will be decided by the drawing of lots by the institute's managing director.

3 Should this still fail to produce four professors with right of vote, subsection 1 applies accordingly.

3. Women’s representatives

Section 58
Election of the main women’s representative

1 An election committee is appointed for the election of the main women’s representatives. This shall consist of two women from each of the four member groups. Members and their deputies are elected for two years by the female members of their group.

The main women’s representative can appoint the election committee as her advisory board for her period of office.

Section 59
Election of part-time women’s representatives

1 An election committee is appointed for the election of women’s representatives for the faculties and central institutes. This shall consist of one woman from each of the four member groups.

2 Section 58 (1) sentence 2 and subsection 2 apply accordingly.

Should no professor be available for election to the election committee, the seat for a representative of this group will be assigned to a female member of the office and technical staff group. Should only one professor be available for election, she will take the seat for her group as long as she agrees to do so; if she does not agree to do so, then sentence 1 applies. Should only two professors be available for election, they will occupy the position of member and deputy respectively in agreement with one another. If no agreement is reached, sentence 1 applies.

The same procedure is to be applied to the academic staff group, with the unoccupied seat filled by a student.
The women’s representatives for the central institutes and central service areas are directly elected by the female members of the respective institutes and service areas. In the central institutions and central service areas, advisory councils may be elected consisting of up to three members of staff from the respective areas to provide advice and support for the part-time women’s representatives. The plan for the advancement of women in each area determines whether an advisory council is to be appointed and whether this should assume the function of the election committee in contradiction to sentence 1.

Faculties may appoint up to three part-time women’s representatives and deputies in addition to the full women’s representative and deputy should there be a faculty resolution to this effect.

Section 60
Right of objection for women’s representatives

(1) In accordance with Section 59 (9) BerlHG, a statement from the women’s representative on a motion relating to issues affecting women at the University must be provided before voting takes place.

(2) The objection raised by the women’s representative is to be submitted in writing to the chair within two weeks following the session or the end of the written voting procedure.

(3) The women’s representative of the faculty is to be given the opportunity to comment on all urgent matters and transferred matters affecting women at the University prior to written voting procedures and prior to decisions being taken by the dean or the managing director.

Section 61
Representation allowance

(1) Students working as part-time women’s representatives and those deputizing for them receive a representation allowance equating to payment of a student assistant for up to 80 hours in a month.

(2) In the event that a student women’s representative or her deputy is employed as a student assistant at the University with a contract for 80 hours a month, she will be granted time off from her official duties in lieu of a representation allowance in accordance with Section 59 (10) BerlHG. Should their contract be for less than 80 hours, they may choose in a declaration provided to the president between a representation allowance and time off in lieu in accordance with Section 59 (10) BerlHG.

4. Part-time degree programs
Section 62
Calculation of degree semester

Insofar as by-laws provide for enrollment for part-time studies in accordance with Section 10 (6) BerlHG, degree semesters are credited to the standard period of study with the factor that corresponds to the time required for part-time studies.

5. Honorary professors
Section 63
Appointment of honorary professors

Decisions concerning the appointment of honorary professors are made on the basis of two expert reports— at least one of which must be external— concerning the proof of outstanding academic or artistic achievement commensurate with that required of a professor.

Part C
Confirmation of legislation and commencement
Section 64
Confirmation of legislation

As per Section 90 BerlHG, confirmation of statutes and by-laws of Technische Universität Berlin are the responsibility of the Executive Board. Notice is to be taken of Section 90 (1) sentences 2 and 3 as well subsection 4.

Section 63
Commencement

This Constitution takes effect the day following its publication in the Official Gazette of Technische Universität Berlin.