

## AMTLICHES MITTEILUNGSBLATT

Herausgeber: Der Präsident der Technischen Universität Berlin  
Straße des 17. Juni 135, 10623 Berlin  
ISSN 0172-4924

**Nr. 23/2016**  
(69. Jahrgang)

Berlin, den

Redaktion: Ref. K 3, Telefon: 314-22532

2. September 2016

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## Fakultäten

### HABILITATION REGULATIONS

Habilitation Regulations for Faculty III Process Engineering of Technische Universität Berlin (HabilOFakIII)

**dated 6 January  
2016**

Pursuant to Section 36 of the Berlin Higher Education Act of 5 October 1995 (GVBl. p. 727), the Faculty Board of Faculty III Process Engineering has enacted the following Habilitation Regulations dated 13 February 2003 and amended on 26 July 2011 on the basis of Section 18(1) no. 1 of the Constitution of the University dated 6 January 2016: \*\*\*)

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#### I. Introductory Provisions

##### § 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, he/she has been granted the teaching qualification within the Habilitation procedure by a university entitled to award the Habilitation within the scope of the German Higher Education Framework Act.

##### § 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 award 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 a university entitled to award the Habilitation or equivalent teaching experience at a research institute or similar institution,
  3. The demonstration lesson, pursuant to Section 7(2),
  4. The Habilitation lecture, pursuant to Section 9.

##### § 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 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 descriptions 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 scientific publications pursuant to Section 2(2) no. 1; the Habilitation thesis must be in German or English. The remaining publications may be submitted in another language. In such cases, each examiner can request translation into the language of the Habilitation thesis,
  4. A written statement pursuant to Section 2(2) no. 1 that 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,

\*\*\*) Approved by the Executive Board of TU Berlin on 2 September 2016

6. Documents relating to the candidate's teaching activities pursuant to Section 2(2) no. 2,
7. A written statement pursuant to no. 6 that 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 topics from the proposed subject for the demonstration lesson pursuant to Section 7 and the Habilitation lecture pursuant to Section 9. Pursuant to Section 2(2) no. 1 the topics for the demonstration lesson should differ from those of the Habilitation lecture and the written work in order to demonstrate the breadth of the candidate's scientific profile.

(5) Should scientific publications be evaluated which were published with other scientists, the candidate's contribution to the publication must be clearly demarcated and recognizable. The names, academic degrees, and addresses of any co-authors must be provided. Moreover, information must be provided whether these scientists acquired or applied for an academic degree or acquired or applied for Habilitation using the submitted joint work or parts thereof. The candidate submits his/her 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 included documents (a single copy of the scientific 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.

#### **§ 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 and the Structural Committee.

## **II. Habilitation procedure**

### **§ 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, are represented by at least one professor or jointly by multiple professors.

(2) As soon as the Habilitation application is formally complete, the dean of the application faculty immediately informs the Structural Committee and 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 Paragraph 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 Paragraph 3, multiple faculties have declared themselves technically competent or their technical competence has been challenged, the Structural Committee 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 Paragraph 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.

#### **§ 5a Voting rights in the faculty board**

(1) Voting rights during the performance evaluations (Sections 7(7), 8(3), and 9(4)) are reserved for professors and other members of the faculty holding a postdoctoral lecturing qualification as well as all authorized professors in accordance with Section 70 (5) BerlHG.

Voting shall take place by secret ballot on ballot papers identified by name; votes shall remain anonymous with only the voting results to appear in the minutes. The ballot papers are added to the Habilitation file.

(2) Only those who also sat in on the demonstration lesson shall have the right to participate in the performance evaluation pursuant to Section 7(4). Only those who also sat in on 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) of the BerlHG, vote; the other employees, however, vote with limited voting rights in accordance with Section 3 of the Ordinance on Employee Voting Rights.

### **§ 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 concludes the rejection of the Habilitation application. The application can only be rejected when the subject for which the candidate has applied or the submitted scientific 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 according to Section 70(5) BerlHG in conjunction with Section 17(4) of the Constitution of the University are invited to make this decision with a notice period of 14 days. Pursuant to Section 52 of the Constitution of the University, 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 process 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.

### **§ 7 Determination of teaching performance, demonstration lesson**

(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, and selects one of the three proposed topics for the demonstration lesson and determines the time and place thereof. The demonstration lesson is used to assess the candidate's didactic skills. The demonstration lesson is open to the University public and shall encompass a double lesson and be oriented in particular towards the needs of students. A discussion open to the University public is to take place after the teaching demonstration.

(3) At least 14 days before the planned date, the dean is to invite the members of the faculty board, the professors, the adjunct lecturers (Privatdozent), and further postdoctoral lecturers of the faculty in writing. An invitation to the demonstration lesson will be publicly posted.

(4) After the teaching demonstration, a summary report on the overall teaching performance (didactic report) is prepared by the dean, taking into account the documents in accordance with Section 2(2) no. 2 and Section 3(4) no. 7, and submitted to the faculty board at the next faculty board meeting. In its expert evaluation, the faculty board also considers counter-evaluations from members of the faculty board and other members of the faculty with voting rights that deviate from the majority opinion. Should the faculty board evaluate the teaching performance as negative, it can give the candidate an opportunity to repeat the demonstration lesson once. Should the faculty board thereafter once again evaluate the teaching performance as negative, the Habilitation procedure is terminated.

### **§ 8 Collection and treatment of expert evaluations on research performance**

(1) Should the faculty board evaluate the teaching performance as positive, it will name at least two reviewers to give an expert evaluation of the candidate's research performance. One reviewer must primarily be employed as a professor in the responsible faculty. The remaining reviewers should be professors at another university entitled to award the Habilitation or a foreign university with a comparable academic standard. 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 a professorship in the faculty or a Habilitation in the subject. It can also be proven otherwise. 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 documents 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 must be available for at least two weeks in the faculty administration. All individuals personally invited to the demonstration lesson pursuant to Section 7(3) may review the documents pursuant to Section 2(2) no. 1 and inspect the reports. 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, he/she can withdraw the Habilitation application.

### § 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. 12 and determine the place and location thereof. The Habilitation lecture is public and consists of a scientific lecture of approximately 45 minutes duration and a subsequent scientific discussion.

(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 and conducted by the dean. All persons personally invited to lecture have the right to participate in the discussion.

(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.

### § 10 Habilitation

(1) Within one year, the candidate shall make his/her folder of work available to the University Library and the faculty 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 award 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 him/her 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. The Structural Committee is to be notified of the completion of the Habilitation procedure.

### § 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(4).

(3) The dean is to inform the Structural Committee of the withdrawal of Habilitation application.

### § 12 Termination of the Habilitation procedure

(1) Except in the cases stated in Sections 7(4), 8(3), 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.

(2) The dean is to inform the Structural Committee of the withdrawal of Habilitation application.

### § 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 his/her 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.

### **III. Final Provisions**

#### **§ 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 on the order of the faculty board.

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

#### **§ 15 Withdrawal and expiration of the teaching qualification**

(1) The teaching qualification expires when the postdoctoral lecturer is no longer entitled to bear the title of Doctor. According to Section 36 (7) BerlHG, the president shall determine the expiration 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.

#### **§ 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. Conveyance of data shall be permitted only on the basis of a specific legal provision. The faculty can keep anonymous 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 his/her examination file upon request and with provision of reasonable notice. In all other respects, the Administrative Procedure Act of Berlin shall apply.

#### **§ 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.

#### **§ 18 Entry into force/expiration**

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

(2) Simultaneously the Habilitation Regulations of the Chairs of Civil Engineering and Surveying, Engineering Science, Chemical and Process Engineering and Energy Engineering, Transportation Engineering, Food Technology and Biotechnology, Electrical Engineering, and Environmental Engineering of Technische Universität Berlin dated 13 June 1993 and the Chair of Material Science and Engineering dated 16 April 1975, expire.