

The *Grundordnung* – Constitution 2016 of Technical University of Darmstadt



TECHNISCHE
UNIVERSITÄT
DARMSTADT

Disclaimer

Die englische Übersetzung dient nur zu Informationszwecken. Rechtlich verbindlich ist der deutsche Text.

The English translation is for information purposes only. The legally binding document is the German version.

Resolution of the University Assembly of 16 June 2004 and 1 June 2005 as well as the University Assembly of 16 June 2010, 27 June 2012, 12 September 2012, 2 December 2015 and 6 July 2016.

Preamble

1. Technical University of Darmstadt adopted this *Grundordnung* – Constitution knowing its obligation both to promote the research activities of its academic researchers and to impart science-based critical thinking to its students during their studies.
2. With these statutes, the University regulates its internal organisation in accordance with the provisions of the HHG – Hessian Higher Education Act), dated 14 December 2009, GVBl. I, page 666, last amended by the *Gesetz zur Änderung hochschulrechtlicher Vorschriften* (Act on the amendment of provisions related to higher-education law), dated 30 November 2015, (GVBl., page 510) and the *Gesetz zur organisatorischen Fortentwicklung der Technischen Universität Darmstadt (TU-Darmstadt-Gesetz)* (Act on the ongoing organisational development and advancement of Technical University of Darmstadt (TU Darmstadt Act)), dated 05 December 2004 (GVBl. I, page 382), last amended by the *Gesetz zur Änderung hochschulrechtlicher Vorschriften* (Act on the amendment of provisions related to higher-education law), dated 30 November 2015, (GVBl., pages 510, 517). The *Grundordnung* – Constitution of TU Darmstadt aims to optimise the legal capacity of Technical University of Darmstadt while observing the interests of its members and associates.
3. The autonomy of the University requires a clear, democratically legitimised structure of decision-making and clearly defined responsibilities and accountabilities. Decisions on the structure of the University are based on the principles of double legitimacy, transparency and effectiveness of decisions as well as accountability of the persons in leadership positions. The principle of double legitimacy requires that managerial organs, i.e., persons or groups of persons in leadership positions, are elected by the level that they will lead, on the one hand, and are appointed by the next higher leadership level, on the other hand.
4. Technical University of Darmstadt is committed to observe the following principles concerning its autonomy:
 - a) Social responsibility of science;
 - b) Joint responsibility of members of the University and of the academic self-administration;
 - c) Promoting the active participation of its members;
 - d) Ensuring and improving the quality of academic research;
 - e) Ensuring and improving the quality of academic learning and teaching;
 - f) Ensuring and improving the quality of administrative processes and procedures;
 - g) Promoting and enforcing gender equality in all decision-making structures and organisational forms (gender mainstreaming);
 - h) Qualitative development of human resources in research, technical and administrative positions, particularly by promoting early-career researchers;
 - i) Taking account of the freedom of research and teaching, particularly with regard to the professors employed. This applies both to professors who are regularly employed and those employed on a civil-servant basis;
 - j) Cooperation with other universities, non-university research institutions and industry. In doing so, TU Darmstadt will use suitable models of staff collaboration in research and teaching (such as joint professorships, etc.);

- k) Research, teaching and study at Technical University of Darmstadt are committed exclusively to peaceful goals and are intended for civil purposes. Research, particularly the development and optimisation of technical systems, as well as study and teaching are geared towards civil use.

I. Groups and governing bodies

Section 1 – Resolutions, group affiliation and way of working

1. Governing bodies have a quorum if at least half of the members with voting rights are present and the meeting session has been properly convened. Transferring voting rights to others is not permitted.
2. Unless regulated differently by the TU Darmstadt Act or the *Hessisches Hochschulgesetz* (HHG – Hessian Higher Education Act), resolutions are adopted if they carry more Yes than No votes. Abstention from voting is possible. However, abstentions will have no effect on the result of the vote.
3. Unless regulated more specifically by law or statute, the Rules of Procedure of the Parliament of the state of Hesse will apply correspondingly to the procedure used in meeting sessions of the governing bodies.
4. As a rule, all governing bodies mentioned in the *Grundordnung* – Constitution of TU Darmstadt will be in session open to interested members of the University for transparency reasons. This rule does not apply to meeting sessions of the Executive Board, the University Council and the departmental offices. Governing bodies can make certain items on the agenda public if a majority of two-thirds of their members vote in favour.

In accordance with Section 34(2) HHG , personnel matters and decisions on examination matters will not be discussed in a meeting session open to

the public. In case of professorial appointment matters, discussions on scientific qualifications are to be considered personnel matters in contrast to Section 34(2) sentence 4 HHG .

The meeting session dates must be published on the Intranet as soon as they become known. Invitations including the agenda must be published at the same time as the invitations to the members. Minutes will be published on the Intranet as soon as they are approved. The above-mentioned provisions do not apply to the University Council, the Executive Board and the directorates. Personnel matters and decisions on examination matters are also exempt from publishing. Both the Executive Board and the University Council as well as the departmental offices inform about their resolutions on the Intranet.

5. In accordance with Section 32(7) HHG and in contrast to Section 32(3) no. 2 HHG, doctoral candidates registered (*immatrikuliert*) at TU Darmstadt in accordance with Section 24(4) HHG will be assigned to the group of academic research members. The other assignments to groups as set out in HHG remain in place.

II Governing bodies at central level

Section 2 – University Assembly

1. The University Assembly of Technical University of Darmstadt attends to matters that are of primary importance to the University. This includes statements, in particular, on fundamental questions regarding the development and advancement of the University, of teaching and study and of the next generation of researchers and scientists.
2. In particular, the University Assembly is responsible for:
 - a) Amending the *Grundordnung* – Constitution of TU Darmstadt;
 - b) Voting in and out of office members of the Executive Board. In this

respect, the University Assembly also takes on responsibilities that are incumbent on the Senate in accordance with the HHG (*Hessisches Hochschulgesetz* – Hessian Higher Education Act) and the TU Darmstadt Act. The University Assembly appoints the following members to the Joint Selection Committee, which is established by the University Council and the University Assembly to find and select suitable presidential candidates including the present incumbent's bid for re-election: the members of the Board of the University Assembly as well as two other persons belonging to or appointed by [note of translator: *unresolved ambiguous phrasing in German*] the professor status group;

- c) Electing the members of the Senate;
- d) Receiving and discussing the Executive Board's annual report, and formally approving of the Executive Board's action;
- e) Amending the election regulations.

3. The University Assembly has 61 members with voting rights:

31 members of the group of professors, 15 members of the group of students, 10 members of the group of academic research and 5 members of the group of administrative and technical staff. Section 35 HHG applies to electing these members accordingly.

4. Members of the University Assembly are: all the members of the Executive Board, the Gender Equality Officer of the University, two appointed members of the AStA [Students' Union (Executive Committee)], one appointed member of the Staff Council, the trusted person representing people with special needs and two students appointed by the Student Representative Conference (FSK).

5. The University Assembly is directed by its board. Each group that is part of the University Assembly is represented by

one of its members in accordance with Section 1(5) *Grundordnung* – Constitution of TU Darmstadt. The board appoints a spokesperson and that person's alternate.

Section 3 – Senate

1. The Senate of Technical University of Darmstadt advises the Executive Board on fundamental questions regarding the University's structural and strategic development planning as well as construction planning, budget, academic research, academic study and teaching, including how academic study and teaching are run and organised, next-generation researchers, information management and quality assurance. The Senate supervises the Executive Board.

2. The Senate has the following responsibilities:

a) The Senate passes resolutions on:

aa) The *Allgemeine Prüfungsbestimmungen* – General Examination Regulations;

bb) The *Allgemeine Bestimmungen der Promotionsordnung* – General Doctoral Regulations of Technical University of Darmstadt;

cc) The *Habilitationsordnung* – postdoctoral lecturing qualification regulations of Technical University of Darmstadt;

dd) The composition of committees (*Senatsausschüsse*) of the Senate;

ee) The composition and chairpersons of the committees/commissions/various boards/working groups (*Senatskommissionen*) of the Senate;

ff) The composition of the departmental councils in accordance with Section 6(2);

gg) The list of Senate

- Representatives in professorial appointment procedures by mutual agreement with the Executive Board;
- hh) The academic guidance, consultation and counselling services for students.
- b) The Senate approves of:
- aa) The statutes on the organisation and structuring of part-time studies;
- bb) How access and admission to a degree programme are regulated, and how the statutes of departments and fields of study regarding study and examination are implemented;
- cc) How access and admission to doctoral programmes are regulated, and how the statutes of departments regarding the doctoral procedure are implemented;
- dd) How access and admission to postdoctoral lecturing qualification programmes are regulated, and how the statutes of departments regarding the postdoctoral lecturing qualification procedure are implemented;
- ee) Regulations for use, fees regulations and rules of procedure of services of TU Darmstadt;
- ff) Appointing/nominating honorary senators;
- gg) Honorary doctorates;
- hh) The proposal of the President on the members to be appointed to the University Council in accordance with Section 6(4) sentence 4 TU Darmstadt Act.
- c) The Senate takes a position on:
- aa) The agreements on objectives of the Executive Board with the Ministry;
- bb) The agreements on objectives between the Executive Board and the departmental offices or services of the University;
- cc) The quality management of the Executive Board and its administration as well as of the departments and their respective administration;
- dd) The structural and strategic development planning of Technical University of Darmstadt, its departments, fields of study and services;
- ee) The budgetary planning, the job development plan, the investment planning and the allocation of budgetary resources;
- ff) The proposals of the departments on:
- Professorial appointments.
 - Conferring honorary professorships;
 - Awarding adjunct professorships.
- gg) The plan for the advancement of women;
- hh) Establishing and closing departments and fields of study as well as degree programmes;
- ii) Founding entities in accordance with Section 2(3) TU Darmstadt Act.
- jj) The corruption prevention regulations in accordance with Section 4(5) TU Darmstadt-Act.
- d) The Senate appoints the President proposed by the members of the University Council.
3. The Senate consists of the following members with voting rights:
- a) The President as the chairperson;
- b) Ten professors;
- c) Four students;
- d) Three members of academic research and
- e) Three administrative and technical staff members.

If the President does not originate from the group of professors, the number of the members from this group increases by two.

4. Members of the Senate are elected by the University Assembly in accordance with Section 35 HHG. The electoral period for students is one year; for all other voting members, it is two years. The uninterrupted term of office of all members other than the President is six years at most.
5. The members of the Executive Board who do not yet have voting rights in accordance with Section 3 are members of the Senate with advisory rights. This also applies to the Gender Equality Officer of the University, the two appointed members of the AStA [Students' Union (Executive Committee)], the one appointed member of the Staff Council, the trusted person representing people with special needs and the two students sent by the Student Representative Conference (FSK).
6. The departmental chairpersons receive the entire documentation for each meeting session and have the right to speak and to present a motion.
7. The Senate can establish committees and working groups to prepare decisions to be made by the Senate. In all committees of the Senate, members of all groups, that is professors (P), students (S), academic researchers (W), administrative and technical staff (A), must be included appropriately. The composition of committees varies depending on their responsibilities. Whenever a committee takes on more than one area of responsibility requiring varying compositions, its composition must be decided by the Senate with a two-thirds majority.

Committees for teaching and for budget are standing committees consisting of:

	P	S	W	A
Teaching	4	4	2	1
Budget	4	2	2	2

In addition to the members mentioned above, each committee of the Senate includes one member of the Executive Board with voting rights. The member of the Executive Board presides the committee unless a resolution to the contrary has been passed by the committee.

8. At least one member of each committee of the Senate must also be a member of the Senate. Upon request, each group must be granted at least one seat per committee of the Senate. The other parities remain unaffected. The chairpersons of the committees of the Senate report the discussions and resolutions to the Senate.

Section 4 – Executive Board

1. The Technical University of Darmstadt is directed by the Executive Board. The Executive Board consists of the persons named in Section 7(2) TU Darmstadt Act. The President is not bound to Section 41(1) HHG when assigning responsibilities.
2. The Executive Board is responsible for all matters that are not delegated to another body by the TU Darmstadt Act or the *Grundordnung* – Constitution of TU Darmstadt. In contrast to Section 37(1), sentence 2 HHG, the Executive Board accounts to the University Council for its management decisions, conduct and results.

Section 37(9) HHG is not applicable.

3. The President's term of office is six years. Re-election is permitted. The total term of office must not exceed twelve years.
4. The term of office of Vice Presidents performing this duty on the side can be up to three years. The term of office of full-time Vice Presidents can be up to six years. In individual cases, the term of office is included in the nomination of candidates by the President. Re-election is permitted.
5. In contrast to Section 41(2) HHG, the Vice President for Administration and

Financial Affairs is elected by the University Assembly for six years and appointed to a fixed-term employment position. As a rule, the appointment will be on a fixed-term civil-servant basis if the Vice President for Administration and Financial Affairs has already been employed as a civil servant. Re-election is permitted.

6. The term of office of the Vice President for Administration and Financial Affairs and the other Vice Presidents are coordinated with the term of office of the President.
7. Every member of the Executive Board can be voted out of office by a two-thirds majority vote of the members of the University Assembly. The following applies to voting out of office the President:

- a) The voting out of office takes place closely coordinated between University Assembly and University Council. The procedure is explained and shown in detail on the decision flowcharts in Appendix 1 contained in this *Grundordnung* – Constitution of TU Darmstadt. In case of discrepancies between the text and the decision flowcharts, the text version applies.

Each of these governing bodies can initiate this procedure independently.

- b) If the University Assembly intends to initiate the voting-out-of-office procedure:
 - aa) The University Assembly can pass a resolution to put voting out of office the President on the agenda for the next meeting session during any meeting session and with a two-thirds majority vote of its members.
 - bb) If this resolution has been passed, voting out of office the President will be discussed and put to the vote during the next meeting session.
 - cc) As provided by law, the University Council's participation is ensured by its ability to overturn the

University Assembly's voting-out-of-office resolution with a two-thirds majority vote of the University Council's members during a subsequent meeting session of the University Council.

- c) If the University Council intends to start the voting-out-of-office procedure:
 - aa) The University Council can pass a resolution to put the proposal of voting out of office the President on the agenda for the next meeting session during any meeting session and with a two-thirds majority vote of its members.
 - bb) If this resolution has been passed, the proposal will be discussed and put to the vote during the next meeting session. If the vote is in favour of the proposal by a two-thirds majority, the University Council will forward its proposal of voting out of office the President to the University Assembly.
 - cc) The University Assembly will consider such a proposal for voting out of office the President and will put the proposal to the vote after discussing it thoroughly.
- d) The University Council will be informed immediately of a resolution in accordance with letter b(aa), and respectively, the University Assembly will be informed immediately of a resolution in accordance with letter c(aa). The University Assembly and the University Council will jointly carry out the remaining procedure in accordance with the measures stated under letter e).
- e) No less than 3 weeks and no more than 5 weeks must pass between the steps per letter b(aa) and letter b(bb) as well as between letter b(bb) and letter b(cc) or between steps per letter c(aa) and letter c(bb) as well as between letter c(bb) and letter c(cc).

In this period of time, the Joint Selection Committee established for finding, selecting and recommending new presidential candidates (Section 2 no. 2 letter b) must draft well-reasoned resolution recommendations for the subsequent voting. A representative of the Joint Selection Committee must be given the opportunity to introduce and discuss them with the decision-making body before the recommendations are put to the vote. In step b(cc), one of the representatives of the University Assembly, and in step c(cc), one of the representatives of the University Council must be given the opportunity to introduce and discuss the resolutions with their respective governing body.

- f) There must be at least 6 months between the two votes on voting out of office the President per letter b(bb) or letter c(cc).

Section 5 – University Council

1. The University Council consists of ten members. Half of the members of the University Council are nominated by the Senate based on proposals by the President. To find suitable candidates, the Executive Board includes a working group of the Senate in the selection process. This working group consists of three professors, as well as one student, one academic research member and one administrative and technical staff member each. The other half of the members of the University Council are nominated by the Ministry of Higher Education, Research and the Arts. These members are appointed by the Hessian government for four years. One member of the University Council can be removed from office by the Minister for Higher Education, Research and Arts for good cause. Members or associates of the Hessian government, Hessian ministries

or of Hessian institutions of higher education or any persons who have been members of TU Darmstadt within the past five years cannot be appointed. A re-appointment is possible once. In justified exceptional cases, a re-appointment for a third term of office of up to two years is possible; however, the Senate must approve any members nominated by TU Darmstadt.

2. In addition to the responsibilities in accordance with Section 6 TU Darmstadt Act, the University Council takes a position on establishing and closing departments, fields of study and degree programmes. If the President decides against following the opinion of the Senate on professorial appointment matters (disagrees with the Senate's positions on the professorial appointments list), the Executive Board must ask the University Council to take a position.
3. The University Council appoints six members to the Joint Selection Committee established by the University Assembly and the University Council for selecting a suitable presidential candidate. The Joint Selection Committee elects from its members a chairperson and one alternate. The chairperson must be a member of the University Council and the alternate must be a member of the University. The Joint Selection Committee advises the University Council on drawing up the nomination of candidates.

III Governing bodies of the departments

Section 6 – Departmental council

1. The departmental council handles matters of primary importance to the department that do not fall under the responsibility of the departmental office. In addition to the areas of responsibility stated in Section 44(1) HHG, the departmental council is also responsible for taking positions on:
 - a) The provision of institutes and departments with technical, financial and human resources;
 - b) The use of the resources assigned to the department, including resources for staffing;
 - c) The establishment of professorial appointment committees by the departmental office;
 - d) The agreement on objectives of the departmental office with the Executive Board.
2. In contrast to Section 44(2) HHG, the Senate can decide that the departmental council for departments with more than 20 professorships are consisting of 11 members of the group of professors, 5 members of the group of students, 3 members of the group of academic research and 2 members of the group of administrative and technical staff.
3. The departmental council can appoint professors of other departments as secondary members of the department. Secondary members of a department have the same rights and duties as regular members of that department; however, they do not have active or passive voting rights and are not entitled to technical, financial and human resources from that department.
4. The gender equality officer of the department is a member with advisory rights.

Section 7 – Deviating from the organisation of the department—for testing purposes

1. Deviating from the HHG and the *Grundordnung – Constitution of TU Darmstadt*, the departmental council can pass a change of how the department is organised by a two-thirds majority of its members. In doing so, the intention of the TU Darmstadt Act and the *Grundordnung – Constitution of TU Darmstadt* must be observed. In addition, specifics relating to the department's content-related orientation in academic research and teaching, its size etc. must be considered.
2. The department establishes its statutes in order to change its organisational structure. These statutes must be agreed to by the Senate (Section 3(2) letter b) and must be approved by the Executive Board (Section 4(2) *Grundordnung – Constitution of TU Darmstadt* and Section 7(1) TU Darmstadt Act).

Section 8 – Departmental office

1. The responsibilities of the departmental office, its composition, the allocation of its responsibilities and the election of its members are based on the Sections 45 and 46 HHG .
2. In contrast to Section 45(5) HHG, the term of office of members of the departmental office is two years.

Section 9 – Professorial appointment committees

1. In preparation of a professorial appointment proposal, the departmental office and the departmental council establish by mutual agreement a professorial appointment committee consisting of the following members with voting rights:
 - a) Five members of the group of professors;

- b) Two members of academic research and
- c) Two students;

Plus, the following members with advisory rights:

- d) One administrative and technical staff member and
- e) One professor from another department.

At the request of the departmental office, the Senate can assemble the committee differently.

2. The Senate Representative is an advisory member of the professorial appointment committee. The Senate Representative accompanies the procedure as a neutral person of trust and reports to the Senate and the Executive Board.
3. The Gender Equality Officer of the University or the gender equality officer of the respective department can participate with advisory rights in meeting sessions of the professorial appointment committee.
4. Members of the professorial appointment committee must not be assigned organisationally to the new or existing professorship to be filled.

Section 10 – Departmental curriculum and teaching committee and vice chairperson for academic affairs

1. The departmental council of each department establishes a departmental curriculum and teaching committee. This departmental curriculum and teaching committee will consist of 12 members at most. Professors, students, members of academic research will be equal in number. Administrative and technical staff members can participate with advisory rights in the meeting sessions of the departmental curriculum and teaching committee.
2. The vice chairperson for academic affairs heads the departmental curriculum and teaching committee. As such, the vice chairperson for academic affairs is

responsible for organising teaching, academic guidance and consultation services and mentoring, in particular.

3. The departmental curriculum and teaching committee and the vice chairperson for academic affairs are responsible for ensuring the studiability (*Studierbarkeit*) of the department's degree programmes and for providing academic guidance and consultation services as well as supervision in accordance with Section 1(2) TU Darmstadt Act.

IV Specific regulations on how to organise teaching

Section 11 – Teacher education

Section 48 HHG is not applicable. By mutual agreement, the Executive Board and the Senate specify how the joint service for teacher education is to be organised.

Section 12 – Fields of study

1. Fields of study organise degree programmes across departments. Each field of study is headed by a vice chairperson for academic affairs.
2. Students enrolled on degree programmes for which a field of study is responsible constitute the student body (*Fachschaft*) of this field of study. Regulations on student bodies of departments and fields of study apply accordingly.
3. The fields of study established by the Executive Board operate in accordance with their statutes agreed to by the Senate and approved by the Executive Board. These statutes regulate the election of the vice chairperson for academic affairs, the management of the field of study and the composition of its governing bodies.
4. The Executive Board allocates financial resources to the fields of study, if necessary.
5. The field of study has the same rights and

duties regarding teaching as a department.

Section 13 – Part-time studies

With the approval of the Senate, the Executive Board can pass statutes regulating the organisation and structuring of part-time study to obtain a Bachelor's or Master's degree in a full-time degree programme or an independent degree programme.

V Transition and concluding provisions

Section 14 – Transition and concluding provisions

1. The *Grundordnung* – Constitution of TU Darmstadt will come into force one day after its publication in the *Satzungsbeilage* (appendix to the statutes) of TU Darmstadt.
2. If the term of office of the President ends prematurely, the most senior member in terms of age of the group of vice presidents but not the Vice President for Administration and Financial Affairs will manage the affairs of the University until a new President will have been elected.

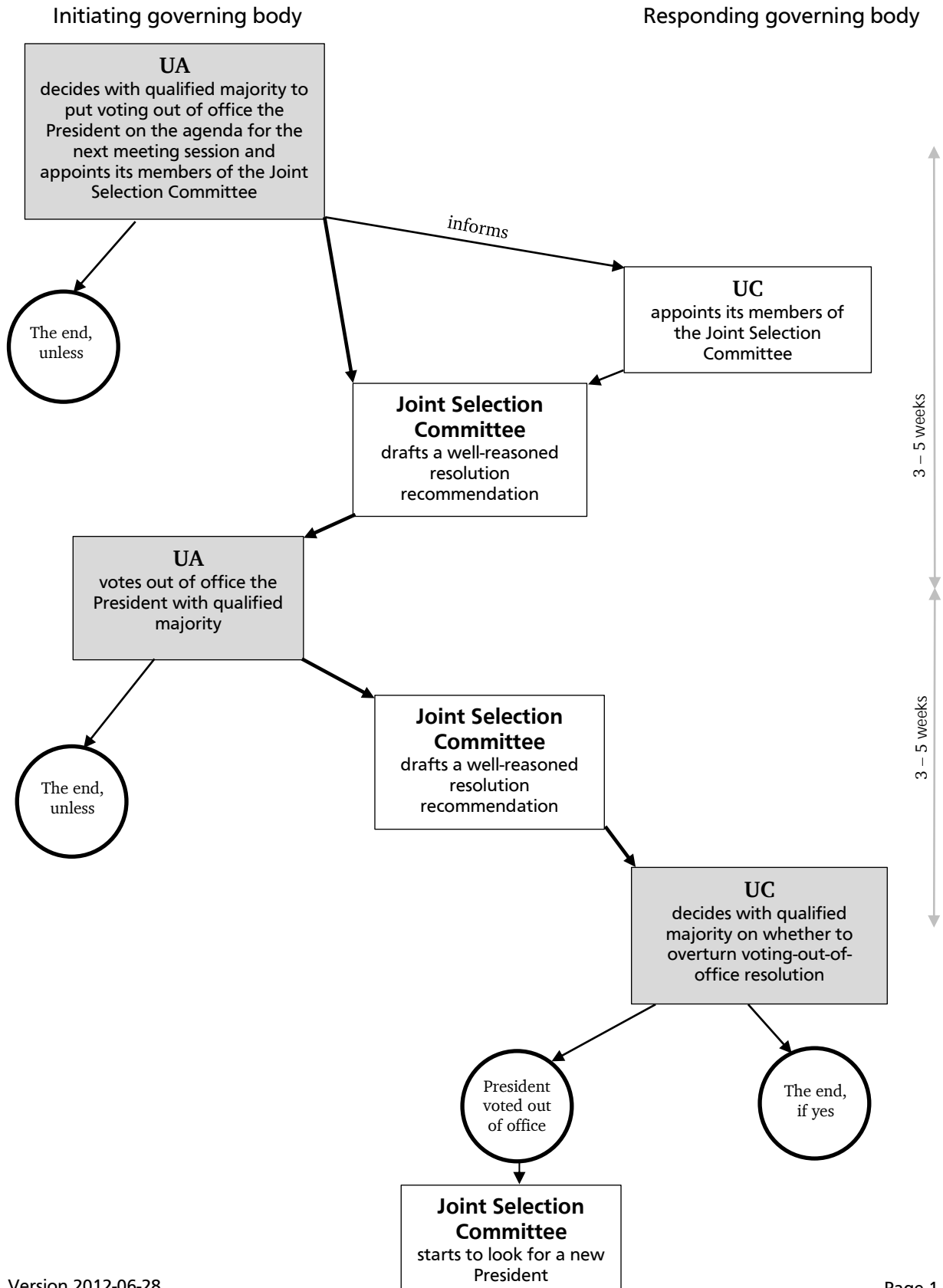
3. If the term of office of the Vice President for Administration and Financial Affairs ends less than three years prior to the end of the term of office of the President, the President can entrust a head of administration with holding the Vice President for Administration and Financial Affairs' office temporarily for the remaining term of the President.
4. References to the *Hessisches Hochschulgesetz* (HHG / HessHG) and the TU Darmstadt Act refer to the version of these acts as stated in the Preamble. These references will have to be aligned with the more current versions of these acts. References without additional source information refer to this *Grundordnung* – Constitution of TU Darmstadt.

Darmstadt, 05 July 2017

The President of
Technical University of Darmstadt, Prof. Dr.
Hans Jürgen Prömel

Appendix 1: Decision flowcharts for voting out of office the President in accordance with Section 4 no. 7

UA initiates procedure



UC initiates procedure

